

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32268 of 2017

Arising Out of PS.Case No. -64 Year- 2014 Thana -SONBERSA District- SITAMARHI

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Mahesh Paswan, S/o Sahdeo Paswan, R/o of village- Poorandaha Rajwara,
P.S. Sonbarsa, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar 3, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 10-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 02.01.2016 in connection with Sessions Trial No. 169 of 2016+242 of 2016 arising out of Sonbarsa P.S. Case No. 64 of 2014 for offences punishable under Sections 302 and 120(B)/34.

The prosecution case, as lodged by the informant is that seven persons who had been on inimical terms with his brother Pawan Bhandari (deceased) had come to his house and took his brother Pawan Bhandari who escaped and went to attend a feast with 4-5 persons. Thereafter, in the morning his dead body was found in a field.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the FIR and his name



surfaced on the confessional statement of one Ras Bihari from whose mobile the petitioner had talked with the deceased. He submits that the deceased was himself a criminal and on inimical terms with Amlesh Sahani, who has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 5362 of 2015 on 27.04.2015. He submits that apart from the talk which is alleged during the course of investigation and the petitioner was seen in the company of the deceased as stated by one of the witnesses in para 17, no other allegation has been made against the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean history and as many as six cases are pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Fast Track Court No. 2nd, Sitamarhi, in connection with Sessions Trial No. 169 of 2016+242 of 2016 arising out of Sonbarsa P.S. Case No. 64 of 2014, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned



police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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