

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1487 of 2017

Arising Out of PS.Case No. -436 Year- 2016 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Dinesh Paswan @ Dinesh Kumar Paswan Son of Late Nanki Paswan
Resident of Village-Dumari P.S. Sadar, District-Muzaffarpur

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Nirmal Kumar Singh, Advocate
: Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPL, PP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 The appellant seeks bail in connection with Muzaffarpur Sadar P.S. Case No. 436/16 registered for offences punishable under sections 147, 148, 149, 448, 341, 323, 342, 325, 326, 337, 307, 379, 302/120(B) of the I.P.C. and Sections 3(i) (x) (-) SC/ST Act.

Allegation against the appellant is that the tractor driver namely Laxman Rai was going to load Chhai belong to informant son namely Santosh Chaudhary. When driver was crossing the village Dumri Barmatpur road the body of the tractor dashed the body of Sheela Devi and she fell down after that appellant caught the tractor driver Laxman Rai and brutally assaulted him and demanding money for the treatment of Sheela



Devi and also threatened to set fire tractor, on this the tractor driver informed the son of informant Santosh Chaudhary on mobile who came keeping twenty thousand with him. After that appellant and some other people using caste name of the informant (Dhobia) and they lifted Santosh Chaudhary son of the informant from the bike and brought him in the house of Shila Devi and assaulted him with Hautha, Phat in the back portion of Head and took out Rs. 20,000/- from the pocket of Santosh Chaudhry, the informant tried to save his son but he was caught by the accused persons. Then Santosh Chaudhary died there.

It has been submitted by learned counsel for the appellant that only general and omnibus allegation has been leveled against this appellant and the specific allegation of assault to the deceased has been leveled to other co-accused persons of this case. Appellant has no criminal antecedent and has been in judicial custody since 04.04.2017.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, period of custody and further there is no allegation of assault against the petitioner, as such this appeal is allowed, let petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand)



with two sureties of the like amount each to the satisfaction of 3rd Additional Sessions Judge-Cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 436/16, subject to the following condition:-

(i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The appellant will not induce any witness or tamper with the evidence.

(iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the Court and on the event of failure on his part to appear before the Court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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