

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27040 of 2017

Arising Out of PS.Case No. -75 Year- 2017 Thana -BAHADURPUR District- DARBHANGA

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1. Mithu Paswan, Son of Sri Kameshwar Paswan, resident of Village-
Raghaipura, P.S. Bahadurpur, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur

For the Opposite Party/s : Mr. Rajkishore Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-07-2017 Heard the parties.

The petitioner seeks regular bail in connection with Bahadurpur P.S.Case No.75 of 2017, registered for offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 307 & 302 of the Indian Penal Code.

The case is under Section 302 of the Indian Penal Code and from the F.I.R., it appears that the petitioner was a member of the mob when the accused have assaulted the deceased.

Submission of the learned counsel for the petitioner is that there is no allegation of assault against him. The petitioner is in custody since 10.3.2017.

Heard learned A.P.P. as well as the learned counsel for the informant. The learned counsel for the informant has opposed the



prayer for bail stating that it is cold blooded murder, as such he has prayed for case diary.

Having heard both sides and in view of the fact that the F.I.R. itself discloses that no specific allegation of assault is against the petitioner and he is in custody for about three months, as such, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., Darbhanga at Laheriasarai in connection with Bahadurpur P.S.Case nO.75 of 2017.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate 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.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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