

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47551 of 2017

Arising Out of PS.Case No. -169 Year- 2017 Thana -BUDDHACOLONY District- PATNA

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1. Suresh Paswan @ Chaitu Paswan Son of Late Sunder Paswan, R/o
Village- North Mandiri, Chhkkan Tola, P.S.- Budha Colony, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Usha Rai

For the Opposite Party/s : Mr. Sri Ram Sevak Choudhary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Budha Colony
P.S. Case No. 169 of 2017 for offences punishable under Sections
302, 120(B) /34 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case, as lodged by the informant, is
that while he was at home along with his wife Laxmi Devi and
mother, 3-4 miscreants knocked the door and on opening the door,
he found four persons, who had covered their faces, fired on the
informant but his wife Laxmi Devi came forward and received
gun shot on the head and died. It is alleged that the petitioner, who
is the father of deceased, Laxmi Devi, along with other co-accused



has killed the informant's wife with whom the informant has solemnized love marriage. It is also alleged that few months back, his elder brother was also killed by the petitioner and others.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and it is most improbable that father will kill his daughter or would try to kill his son-in-law who is the informant. He submits that the petitioner has been made accused only on the basis of suspicion as no one has seen the face of the accused persons. Charge-sheet has already been submitted and there is no chance of tampering of the prosecution witnesses by the petitioner and he is languishing in judicial custody since 24.05.2017. It is further submitted that in fact, the informant was always torturing his wife and has killed her and have made false allegations upon the petitioner and his family members.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let 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 Judicial Magistrate-1st Class, Patna, in connection with Budha



Colony P.S. Case No. 169 of 2017 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 court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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