

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41545 of 2017

Arising Out of PS.Case No. -48 Year- 2017 Thana -BARUN District- AURANGABAD

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1. Lalan Paswan, Son of Ram Narayan Paswan, Resident of Village
Baruwapul Mahabir Asthan, P.S.- Barun, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-09-2017 Heard the parties.

The petitioner seeks regular bail in connection with Barun P.S.Case No.48 of 2017 registered for offences punishable under Sections 147, 148, 149, 341, 323, 324, 304, 307, 302 and 120B of the Indian Penal Code.

The petitioner is not named in the FIR and there is allegation of assault by *rod* on the head of the deceased.

Submission of the learned counsel for the petitioner is that the FIR itself shows that there was scuffle between the parties with respect to playing cricket and there is no external injury on the person of the deceased rather *hematoma* was found due to fall or some other circumstances. There is also allegation in the FIR that some other persons have assaulted him, which shows falsity of the prosecution case. Further submission is that the petitioner is in custody since 16.3.2017 and he is ready to co-operate in the



trial.

Heard learned A.P.P. also, who has not controverted the above facts.

Having heard both sides and in view of the facts and circumstances, as stated above, let the 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 C.J.M., Aurangabad in connection with Barun P.S.Case No.48 of 2017 dated 15.3.2017.

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 bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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