

sIN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39929 of 2017

Arising Out of PS.Case No. -192 Year- 2015 Thana -DEHRI TOWN District- SASARAM
(ROHTAS)

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1. Jitan Paswan Son of Sri Bharat Paswan, Resident of Village-Mathuri
Tola, P.O. & P.S.-Dehri (T), District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 02-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
20.06.2017 in connection with Dehri (T) P.S. Case No. 192 of
2015 for offence punishable under Section 302/34 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that his elder brother Shobhit Yadav, now deceased, was sent to
jail earlier in several cases but after release he started a tea shop
and was threatened by the petitioner and his brother Chandan
Paswan. On the alleged date of occurrence, the petitioner along
with four others were found fleeing away from the place of



occurrence. The brother of the informant Shobhit Yadav received fire arm injury as a result he succumbed.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent. There is no eye witness to the alleged occurrence. Apart from the allegation of fleeing away, there is no specific allegation against the petitioner. Charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner. He submits that two other accused persons, named in the FIR, have since been granted the privilege of bail by this court in Cri. Misc. No. 52999/16 on 20.12.2016 and in Cri. Misc. No. 12244 of 2016 on 29.03.2016.

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 Sub-Divisional Judicial Magistrate, Dehri-on-Sone, Rohtas, in connection with Dehri (T) P.S. Case No. 192 of 2015 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 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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