

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47509 of 2017

Arising Out of PS.Case No. -41 Year- 2017 Thana -MANPUR District- NALANDA
(BIHARSHARIFF)

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1. Kauslendra Paswan, son of late Ramji Paswan, resident of village -
Paroha, P.S. - Manpur, District - Nalanda, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Advocate

For the Opposite Party/s : Smt. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 09-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Manpur P.S.**

Case No.41 of 2017 instituted for the offence under Section(s)
302/34 Indian Penal Code.

It has been submitted by the counsel for the petitioner that petitioner is brother of father of the Informant. It is alleged in the written report that petitioner along with his son, Jitendra Paswan, dashed the father of the Informant on ground while all were talking. As such, from the nature of allegation, no offence under Section 302 Indian Penal Code is made out since there was no motive to commit murder.

Counsel for the petitioner has pointed out Annexure-
2, which is the Post Mortem Report, wherein, doctor has opined



cause of death due to cardio-genic shock or neuron-genic shock and no sign of weapon used.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Manpur P.S. Case No.41 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, 3rd, Nalanda**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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