

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53891 of 2016

Arising Out of PS.Case No. -152 Year- 2016 Thana -NAUGACHIA District- BHAGALPUR

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1. Birju Paswan son of Tarni Paswan resident of village - Tintanga Karari,
Police Station Gopalpur, District -Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-01-2017 The petitioner is in custody since 30.08.2016 in connection with Naugachia P.S. Case No. 152 of 2016, registered for offences punishable under Section 302/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that though he has been named in the F.I.R. but it appears that his name has come in this case only on the basis of suspicion as F.I.R. itself shows that several persons were beating the deceased by calling him thief, nothing specific has been alleged against this petitioner. It has further been submitted that the petitioner neither has any relation with the said deceased person nor anything was stolen from the shop of the petitioner and, therefore, there is no truth in the allegation that petitioner was one of the persons who



beaten the deceased to death.

Learned A.P.P. for the State has submitted that in para 7 of the case diary it appears, that the eye-witness of the said occurrence has specifically taken the name of the petitioner.

Having heard both sides, in view of the fact that there is general and omnibus allegation against the petitioner and also the petitioner has no criminal antecedent and he has been in judicial custody since 30.08.2016 let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Naugachia, District – Bhagalpur, in connection with Naugachia P.S. Case No. 152 of 2016, subject to the 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 cooperate 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 two 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.

(Vinod Kumar Sinha, J)

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