

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1559 of 2017

Arising Out of PS.Case No. -33 Year- 2015 Thana -FATEHPUR District- GAYA

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Shrawan Paswan, son of Raj Kumar Paswan, residence of Village- Ganni
Pipra, P.S.- Fatehpur, Distt- Gaya.

.... Appellant

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 17-07-2017

The appellant seeks bail in connection with Fatehpur
P.S. Case No. 33 of 2015 registered for offences punishable under
section 302/34 of the Indian Penal Code and Section 3 (2) (v) of
SC/ST Act.

Allegation against the appellant is that on 07.02.2015 co-
accused C.P. Singh came at the door of informant and taken away
her husband Ramanand Paswan, thereafter when her husband
came at his house in abnormal condition and he said that he has
drink wine in a house of Binod Choudhary, with appellant and co-
accused C.P. Singh and thereafter C.P. Singh taken away and left
to his house. After that informant brought her husband to local
doctor but doctor has no taken treatment and directed to better
treatment but the informant brought him to her house in the



meantime her husband died.

Learned counsel for the appellant submitted that in the Postmortem examination report no external or mechanical injury has been found on the person of the deceased and there is no any eye/independence witness supported of the occurrence and there was no motive for committing murder. It has been further stated that husband of the informant took excessive drink resulting his condition deteriorated and later on in absence of proper treatment he died. It is further stated that co-accused C.P. Singh has already been granted bail by a coordinate Bench of this Court vide order dated 02.03.2016 passed in Cr. Miscellaneous No. 50259 of 2015. It is stated that the appellant is in custody since 06.04.2017.

Heard learned Special P.P. also.

Having heard both sides and considering the aforementioned facts and circumstances, this appeal is allowed, let appellant surrender before the Court of Special Judge within a period of four weeks and on his so surrendering the Court below will release him on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, (Special Judge) SC/ST, Gaya in connection with Fatehpur P.S. Case No. 33 of 2015, subject to the following conditions:-



- (i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellant will not adduce any witness or tamper with the evidence.
- (iii) The appellant 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 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.

(Vinod Kumar Sinha, J.)

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