

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18783 of 2017

Arising Out of PS.Case No. -58 Year- 2004 Thana -KAHALGAON District- BHAGALPUR

- =====
1. Rishikesh Paswan, Son of Chhawinath Paswan,
 2. Chittaranjan Paswan, Son of Late Gulabi Paswan, Both resident of Village- Sobhnathpur, P.S.- Kahalgaon, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-05-2017 Heard the parties.

The petitioners are apprehending their arrest in connection with Kahalgaon P.S.Case No.58 of 2004 registered for offences punishable under Sections 302 and 328/34 of the Indian Penal Code.

The petitioners are named in the F.I.R., however, it appears that later on final form has been submitted against the petitioners and not finding the case true, the court concerned has taken cognizance differing with the findings of the Police.

It is submitted on behalf of the petitioners that they have been made accused in the F.I.R. purely on the basis of suspicion but nothing concrete has come against them and considering the final form, as submitted by the police, the learned Magistrate has taken cognizance. It has further been submitted that petitioners have been falsely implicated in this case.



Heard learned A.P.P. also, who has opposed the prayer for bail.

Having heard both sides and in view of the fact that except suspicion, there is nothing against the petitioners and further final form has been submitted and thereafter, cognizance has been taken against the petitioners by the learned Magistrate, as such considering this aspect of the matter, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of Sri Ajay Shankar Prasad, J.M. 1st Class, Bhagalpur, in connection with Kahalgaon P.S.Case No.58 of 2004, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners shall co-operate in the trial of the case.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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