

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42733 of 2016

Arising Out of PS.Case No. -209 Year- 2015 Thana -DANAPUR District- PATNA

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1. Upendra Paswan @ Mukhiya S/o Late Deonandan Paswan R/o village - Nasriganj, P.S. Danapur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 23-01-2017 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor.

The application is for grant of bail in connection with Danapur PS case no. 209 of 2015 for the offence under Sections 328, 302 of the Indian Penal Code.

It is submitted on behalf of petitioner that the allegation against the petitioner is that he used to assault the daughter of the informant, gave poison to his daughter, due to which, she died but from perusal of the materials collected during course of investigation, it appears that there is no eye-witness of the occurrence. Though learned Sessions Judge has mentioned some paragraphs of the case diary and some other witnesses have also stated that a quarrel has taken place between wife and husband but they have not stated about administering of poison to



the deceased. It is further submitted that the petitioner is in custody for more than two years and the case has already been committed to the court of Sessions.

Heard learned A.P.P. and learned counsel for informant. They have opposed the prayer for bail.

Having heard both sides. In view of the fact that there is no eye-witness of the occurrence, charge-sheet has already been submitted and petitioner is remained in custody for more than one year, the bail application of petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/-(Rs. Twenty five thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Danapur, Patna in connection with Danapur PS case no. 209 of 2015 with a condition that bailors should have the property within the jurisdiction of learned court below and with further condition that he will cooperate in the disposal of the case and petitioner make himself available on each and every date except on some genuine reason with further condition that his failure to attend the court on two consecutive dates will liable for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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