

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33911 of 2018

Arising Out of PS. Case No.-7 Year-2017 Thana- CHIKSAUR District- Nalanda

Shiv Nath Paswan, Son of Masudan Paswan, resident of Village Makrouta,
Police Station- Chiksoura, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Sri Parmanand Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-06-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 10.11.2017 in Cr. Misc. No. 43498 of
2017.

Petitioner is languishing in judicial custody since
20.01.2017 in connection with Sessions Trial No. 567 of 2017
arising out of Chiksoura P.S. Case No. 7 of 2017 for offences
punishable under Sections 364, 120B, 34 of the Indian Penal
Code. Later on Sections 302 and 301 of the Indian Penal Code
were also added.

The prosecution case, as lodged by the informant, is
that his son had come to the village and went out of the house
but did not return. It is alleged that the informant's son was



having illicit relationship with one Priyanka Devi, who was daughter of one Manoj Paswan and the petitioner, who happens to be the uncle of said Priyanka Devi, along with others have kidnapped the informant's son and later on the dead body was found buried near the river.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, no specific allegation has been made against him and just because he is brother of Manoj Paswan and uncle of Priyanka Devi that he has been made accused. He submits that no allegation has been made against the petitioner by the husband of Priyanka Devi and the father of Priyanka Devi, Manoj Paswan has since been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 47455 of 2017 vide order dated 02.01.2018.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Hilsa, Nalanda, in connection with



Sessions Trial No. 567 of 2017 arising out of Chiksoura P.S.

Case No. 7 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/Pragya

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