

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67334 of 2018

Arising Out of PS. Case No.-274 Year-2015 Thana- BHAGWANPUR District- Vaishali

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1. Pankaj Kumar S/o Mahendra Paswan,
 2. Kali Paswan @ Shyam Paswan S/o Bilat Paswan, Both Resident of Village-Kailitand, P.O.-Sahtha, P.S.-Bhagwanpur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 27-11-2018

Heard learned counsel for the parties.

Petitioners seek bail in Bhagwanpur P.S. Case No. 274 of 2015 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Allegation against the petitioners is of killing the father of the Informant along with FIR named accused by assaulting with Lathi and Danda.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case due to previous enmity and land dispute. It has been further submitted that six persons have assaulted the father of the Informant and it cannot be said that whose assault was fatal. Allegation against petitioner no. 1 is of causing assault on back and waist. Allegation of assault against petitioner no. 2 is general and omnibus in nature.



Similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 24.01.2017 in Criminal Miscellaneous No. 52213 of 2016 and 08.04.2016 in Criminal Miscellaneous No. 6711 of 2016. Petitioners have got no criminal antecedent and are in custody since 13.03.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **Sessions Judge, Vaishali at Hajipur**, in connection with **S. Tr. No. 451 of 2016 arising out of Bhagwanpur P.S. Case No. 274 of 2015**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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