

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75426 of 2018

Arising Out of PS. Case No.-209 Year-2017 Thana- BELAGANJ District- Gaya

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1. Chandeshwar Paswan, Son of Late Mathura Paswan,
 2. Bittu Paswan, Son of Chandeshwar Paswan, Both are Resident of Village-Sarwa, P.S.-Barachatti, District-gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Shivendra Prasad, Advocate.
For the Opposite Party : Mr. Indra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that in the night of 15.06.2017, accused Rekha Devi called informant's husband on phone and then he went there but he did not return back and three days after, on 18.06.2017, his dead body was found in a well. Informant then went to the house of accused Kishore Paswan but he was not found in the house and his house was locked. Petitioner no. 1 Chandeshwar Paswan earlier had threatened her husband to kill and thus, it has been alleged that



accused persons including the petitioners after killing informant's husband threw the dead body in the well.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is no eye witness to the alleged occurrence nor there is any substantive evidence to suggest the implication of the petitioners in the present case. The name of the petitioners has come in the present case merely on the basis of suspicion. Except for suspicion, there is no circumstantial evidence to suggest the implication of the petitioners in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIII, Gaya, in connection with S. Tr. No.



89/17/536/17 arising out of Belaganj P.S. Case No. 209/2017,
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

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