

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49587 of 2018

Arising Out of PS.Case No. -100 Year- 2018 Thana -MUFFASIL District- AURANGABAD

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Krishna Paswan S/o Late Jagmohan Paswan, R/o Vill.- Paharama, P.S.-
Muffasil, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

03 20-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Muffasil P.S. Case No.
100 of 2018 registered under Sections 147, 148, 149, 323, 307 and
302 of the Indian Penal Code.

On the order given by Bharat Paswan, Santosh
Paswan assaulted on the head of the brother of the informant,
namely, Suryadeo Yadav by means of lathi and when Suryadeo
Yadav fell down on the ground, petitioner and other persons also
assaulted him by means of lathi. Thereafter, the victim was rushed
to the hospital where he was declared brought dead.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. The petitioner



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has been falsely implicated in this case due to animosity. He does not happen to be assailant of the deceased as, as per the F.I.R. itself, Santosh Paswan assaulted on the head of the deceased and the doctor has also found only one injury i.e. on head which proved fatal. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has been languishing in custody since 10.06.2018. Similarly situated co-accused, namely, Ajay Paswan has been enlarged on anticipatory bail by a co-ordinate bench of this Court in Cr. Misc. No. 49106 of 2018 vide order dated 18.09.2018.

In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned Chief Judicial Magistrate, Aurangabad in connection with Muffasil P.S. Case No. 100 of 2018.

(Prakash Chandra Jaiswal, J)

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