

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56341 of 2018

Arising Out of PS. Case No.-52 Year-2018 Thana- DARIHAT District- Rohtas

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1. Sheo Kumar Paswan, S/o Late Dukhit Paswan,
 2. Gorakh Paswan @ Jitendra Paswan S/o Rajendra Paswan,
Both residents of Vill.- Darihat, P.S.- Darihat, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr. Braj Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 22-11-2018 Heard learned counsel for the petitioners and the State.

The petitioners seek bail in Darihat P.S. Case No. 52 of 2018 instituted for the offence under Sections 365, 302, 201 and 120(B) of the Indian Penal Code.

Counsel for the petitioners submits that in the post mortem report cause of death has been opined by the Doctor due to Axphyxia caused by strangulation.

In the written report it is alleged that while informant along with his brother namely Awadhesh Kumar Singh were going to the field for irrigation, the petitioners armed with *Farsa* and iron rod came and caught his brother. In the meantime, 5 to 6 unknown persons also came covering their mouth and caught hold the informant and took him towards Sone river. It is further alleged that accused persons took away the brother of the informant towards



Balughat. The informant was confined near Sone river whole night. In the next morning, the informant any how escaped from confinement. It is alleged that while he was going to his house, he learnt that the dead body of his brother is lying near Nag Baba Temple. He went there and found scratch mark over the neck and injury on the chest and stomach of his brother.

In this manner from the written report it appears that informant is not eye witness of the alleged occurrence. In the post mortem report cause of death has been opined by the Doctor due to Axphyxia caused by strangulation.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Vivek Kumar Singh, learned Judicial Magistrate, 1st Class, Dehri, Distt. Rohtas, in connection with Darihat P.S. Case No. 52 of 2018, subject to the condition that both the bailors will be the close relatives of the petitioners.

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(Sanjay Priya, J)

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