

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74292 of 2018

Arising Out of PS. Case No.-251 Year-2016 Thana- AHYAPUR District- Muzaffarpur

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Kishan Paswan @ Krishna Paswan @ Kishan Kumar Son of Pramod Kumar
Pankaj Resident of Village - Chak Mohammad, P.S. Ahiyapur, Distt.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh
For the State	:	Mr. Asharaf Ansari
For the informant	:	Mr. Krishna Kant Singh Mr. Anil Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 14-12-2018

Heard learned counsel for the parties.

Petitioner seeks bail in Ahiyapur P.S. Case No.251 of
2016 registered for the offence punishable under Sections 302,
120(B) of the Indian Penal Code and Section 27 of the Arms
Act.

In the written report, it is alleged that Anjali, daughter
of Pramod Kumar Pankaj, has performed marriage with son of
the informant, namely, Rakesh Kumar (since deceased). The
court had ordered to keep Anjali with son of the informant and
for that the father of Anjali, namely, Pramod Kumar Pankaj and
his other family members became annoyed and threatened to
kill the son of the informant. It is further alleged that Pramod



Kumar Pankaj had caused murder of son of the informant. Allegation against the petitioner is that he along with other co-accused was roaming on motorcycle near the house of the deceased before his murder.

It has been submitted on behalf of the petitioner that he has falsely been implicated in this case. It has further been submitted that the petitioner has no concern with the occurrence and he has been made accused in this case merely on the ground that petitioner happens to be son of co-accused, Pankaj Kumar Pankaj. It has been further submitted that similarly placed co-accused, Vikash Paswan has already been granted bail by a co-ordinate Bench of this Court, as contained in Annexure 4. Petitioner has no criminal antecedent and he is in custody since 04.09.2018.

Counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No.251 of 2016 with following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner 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 petitioner.

(S. Kumar, J)

Sanjay/-

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