

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9270 of 2018

Arising Out of PS.Case No. -29 Year- 2017 Thana -DANDARI District- BEGUSARAI

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1. Dashrath Paswan, son of late Hare Ram Paswan, resident of Village-
Sisauni, P.S.- Dandari, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

For the informant : Mr. Pankaj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 05-04-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Informant.

Petitioner apprehends his arrest in **Dandari P.S.**

Case No.29 of 2017 instituted for the offence under Section(s)
302, 120-B/34 Indian Penal Code.

Counsel for the petitioner has submitted that there is no any specific overt act alleged against this petitioner. He has been implicated in this case because it has come during investigation that co-accused, Mithun Kumar Sharma, had illicit relation with the sister of this petitioner and deceased had quarrel with Mithun Kumar Sharma for such relation. Counsel for the petitioner has further submitted that during whole investigation none of the witness has come forward to make specific allegation of firing against this petitioner. Learned counsel for the petitioner



has further submitted that during investigation it has come against Dilip Choudhary that entire occurrence has taken place at his toddy shop and specific role was attributed to that accused. Against this petitioner, there is no specific overt act alleged in the case diary.

In the written report, specific allegation is against Mithun Kumar Sharma, Ram Chandra Yadav and Chhotu Kumar of causing fire arm injury on Hem Chandra Paswan, who fell down from the tractor and subsequently died. Specific allegation in the written report has been levelled against the co-accused as mentioned above.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Dandari P.S. Case No.29 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate-III-cum, Judicial Magistrate, 1st class, Begusarai**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property



within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if 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.

(Sanjay Priya, J)

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