

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36876 of 2018

Arising Out of PS.Case No. -341 Year- 2017 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

- =====
1. Birendra Paswan, Son of Late Rajendra Paswan,
 2. Anita Devi, Wife of Birendra Paswan, Both residence of Village-
Ahiyachak, P.S.- Bind, District- Nalanda.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pramod Kumar Sinha, Advocate.

For the Opposite Party : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-09-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 302 and 120(B) of the
IPC.

The prosecution story, in brief, is that the informant
was married with one Lal Bahadur Paswan in the year 2013 and
after four years she went to her matrimonial house. She spent only
three days there. Thereafter, co-accused Manish Paswan, son of
petitioners after persuading her took away and kept one year in
Delhi. She became pregnant and on 14.10.2017 she gave birth a
child at Patna Nalanda Medical College and Hospital and she was



brought to house of Fua of co-accused Manish Paswan at Mehndibigha. On 16.10.2017, she went to natural call from outside of the house and when she returned then found that co-accused Manish Paswan and the petitioners were quarrelling in between them and her child was lying dead. She suspected that all accused persons including petitioners killed her child. She was also ousted from the house. She alongwith her dead child went her *Naihar* and thereafter she alongwith her father went to matrimonial house and requested them to accept her than her cousin father-in-law started quarrelling with her father and tried to snatch her dead child. Anyhow, she returned back her *Naihar*.

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. Petitioner no. 2 is a lady. The name of the petitioners has inspired in the present case merely on the basis of suspicion. Except for suspicion, there is no substantive evidence to suggest the implication of the petitioners in the present case. There is no eye witness to the alleged occurrence nor there is circumstantial evidence to suggest the implication of the petitioners in the present case.



On behalf of the State, it is 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 A.C.J.M., Nalanda at Hilsa, in connection with Chandi P.S. Case No. 341/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

