

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12984 of 2019

Arising Out of PS. Case No.-44 Year-2017 Thana- PARAIYA District- Gaya

MANGAL PATHAK Son of Ram Chabila Paswan @ Ramchhavila Pathak
Resident of Village - Ishwarpur, P.S.- Paraiya, Distt - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioner, learned APP

for the State and counsel appearing for the brother of deceased

Manju Devi.

Petitioner is languishing in judicial custody since
26.10.2018 in connection with Paraiya P.S. Case No. 44 of 2017
for offences punishable under Sections 302, 210 and 34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he got information from his another son Rajnish Kumar
Pathak @ Pintu that his elder brother Manish Pathak @ Bablu
and his wife Manju Devi have committed suicide. The only
allegation upon the petitioner is that when Rajnish Pathak called
the petitioner as the room where the deceased Manish Pathak
and his wife Manju Devi was lying dead was closed from inside, he



entered from the roof and opened the door from inside and he along with Rajnish Pathak tried to wash the blood stains from the door.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and no allegation of committing the crime has been lodged against the petitioner. He submits that being a neighbour the petitioner was called by the brother of the deceased, namely, Rajnish Pathak @ Pintu to open the door, which is alleged to have been opened by the petitioner. He further submits that apart from suspicion there is no allegation against the petitioner and charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses. Petitioner is languishing in judicial custody for more than four months.

However, learned APP for the State and counsel appearing for the brother of deceased Manju Devi oppose the prayer for bail.

Considering the facts and circumstances, nature of allegations, period of custody and that charge-sheet has already been submitted, let petitioner, above named, 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 learned



Judicial Magistrate- 1st Class, Gaya, in connection with Paraiya P.S. Case No. 44 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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