

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17413 of 2019

Arising Out of PS. Case No.-263 Year-2018 Thana- OBRA District- Aurangabad

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Santosh Paswan @ A.T.M., son of Late Vishnudeo Paswan, Resident of
Village - Kharateo, P.S.- Obra, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari

For the Opposite Party/s : Mr.Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since 13.12.2018
in connection with Obra P.S. Case No.263 of 2018 registered for the
offences punishable under Sections 302/34 of the Indian Penal Code
and Section 27 of Arms Act.

Prosecution case as per the written report of Lalan Tiwari
dated 06.12.2018 submitted to S.H.O. Obra P.S. is to the effect that on
05.12.2018, the son of the informant, Ravi Ranjan Tiwary @ Pappu
Tiwary was sleeping in the cattle shed. In the next morning, when the
informant woke up, he found that his son was dead having gunshot
injury on his left eye and neck, leading to registration of FIR against
unknown. During investigation, the Sepoy disclosed the name of four
persons, namely, Santosh Paswan, the petitioner and co-accused,
Deepak Kumar, Raj Kumar and Rishu Yadav. It is alleged that
subsequently, the petitioner and co-accused were apprehended and



they confessed about the commission of offence.

It is submitted by learned counsel for the petitioner that admittedly, there is no eye witness to the occurrence. The informant has not even raised suspicion against the petitioner in the FIR. On the basis of information received from the Sepoy, the petitioner has been roped in the present case. It is further submitted that the co-accused Rishu Yadav and Deepak Kumar have been granted bail vide order dated 07.03.2019 and 14.03.2019 passed in Cr. Misc. Nos.13333 of 2019 and 15811 of 2019 respectively. The petitioner is accused in one other case in which he is on bail.

Learned A.P.P. has vehemently opposed the prayer for bail and submits that the name of the petitioner sprang up during investigation and he has confessed his guilt.

Considering the fact that the petitioner's name sprang up on the basis of confession of the co-accused and investigation already being concluded, let the above named petitioner 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 Chief Judicial Magistrate, Aurangabad in connection with Obra P.S. Case No.263 of 2018.

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(Dinesh Kumar Singh, J)

