

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34808 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- DEEPNAGAR District- Nalanda

1. SOHRAY PASWAN Son of Mishri Paswan Resident of Village- Maghra, P.S.- Deepnagar, District- Nalanda.
2. Sagar Paswan Son of Shambhu Paswan Resident of Village- Maghra, P.S.- Deepnagar, District- Nalanda.
3. Vikram Paswan Son of Ramashish Paswan @ Ashok Paswan Resident of Village- Maghra, P.S.- Deepnagar, District- Nalanda.
4. Nokhu Paswan Son of Vikram Paswan @ Mishri Paswan Resident of Village- Maghra, P.S.- Deepnagar, District- Nalanda.
5. Banasur Paswan Son of Shivilakhan Paswan Resident of Village- Maghra, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-05-2019 Heard learned counsels for the parties.

The petitioners are languishing in custody since 23.1.2019/25.1.2019 in a case registered for the offences punishable under Sections 147,148,149,342,323,427,354B,307 and 302 of the I.P.C.

The prosecution case as per the written report of Jai Prakash Malakar alias Sunni Malakar submitted to the SHO, Deep Nagar Police Station is to the effect that on 2.1.2019 at 7.00 A.M., the informant was sleeping in his house with his



nephew Ajay Malakar alias Santi Kumar, his wife Pinki Devi and children, in the meantime, 300-400 persons came and started assaulting them. It is further alleged that as a result of assault, nephew of the informant received injury and when he was being taken to the hospital, he succumbed to the injury.

It is submitted by learned counsel for the petitioners that at earlier point of time, one person from the petitioners' side was killed at the hands of the informant side, leading to registration of Deepnagar P.S. Case No. 5 of 2019 and thereafter the mob attacked the informant's side, as a result, two persons were killed, leading to registration of Deepnagar P.S. Case Nos. 6 and 7 of 2019. Petitioner nos. 1,2,3 and 4 are also accused in the earlier cases lodged by the informant side. It is further submitted that considering the general and omnibus accusation against the mob, co-accused Raj Kumar Chaudhary, Lallu Chaudhary and Vijay Choudhary have been granted bail by a Co-ordinate Bench of this Court vide order dated 5.4.2019 passed in Cr. Misc. No. 21348 of 2019, as contained in Annexure 4/A to the supplementary affidavit. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the



FIR.

Considering the nature of accusation and the case lodged by the petitioners' side at earlier point of time and the period in custody, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Nalanda at Biharsharif in connection with Deepnagar P.S. Case No.7 of 2019.

(Dinesh Kumar Singh, J)

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