

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67386 of 2018

Arising Out of PS. Case No.-123 Year-2018 Thana- BARGAINIA District- Sitamarhi

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1. Sunil Paswan son of Dahaur Paswan
 2. Vibha Kumari daughter of Dahaur Paswan
 3. Dahaur Paswan son of Late Bhagwat Paswan
 4. Malti Devi wife of Dahaur Paswan
 5. Anil Paswan son of Dahaur Paswan
 6. Santi Devi wife of Anil Paswan
- All of Resident of Village- Bakhari, Police Station- Bairgania,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Alok
For the Respondent/s	:	Mr.Smt. Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 15-01-2019 Heard learned counsel for the parties.

Petitioners seeks bail in **Bairgania P.S. Case No. 123**
of 2018 registered for the offence punishable under Sections
363, 302, 120B/34 of the Indian Penal Code.

Informant in his written complaint has alleged that 25-30 days before his cousin brother Madan Paswan had eloped with Chhoti Kumari daughter of Dahaur Paswan and even after much search being made their whereabouts could not be ascertained and in retaliation of which Sunil Kumar s/o Dahaur Paswan used to give threatening that if his sister Chhoti Kumari does not come back then the family members of Madan Paswan



will have to bear its consequence. It has been further alleged that on 08.06.2018 at about 10:00 am his three years daughter Archana Kumari was found missing and on 09.06.2018 at about 6:00 pm the dead body of his daughter was recovered from toilet tank of Upendra Paswan, nephew of Dahaur Paswan. He suspects that in retaliation of eloping of daughter of Dahaur Paswan with his cousin brother Madan Paswan, the FIR named accused have committed this crime. In the Post Mortem Report the death has been attributed to strangulation.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case on mere suspicion and except suspicion there is no any other incriminating material against the petitioners. It has been submitted on behalf of the petitioners that they have been made accused due to previous enmity and all belong to the same family. Chargesheet has already been submitted in this case. Petitioners have got no criminal antecedent and are in custody since 10.06.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned



Additional Chief Judicial Magistrate, Sitamarhi, in
connection with **Bairgania P.S. Case No. 123 of 2018**, with
following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the petitioners tamper 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 petitioners.

(S. Kumar, J)

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