

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75129 of 2018

Arising Out of PS. Case No.-66 Year-2017 Thana- GHOSWARI District- Patna

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Gautam Paswan son of Sri Nagina Paswan, resident of Village- Samachak,
P.S. Bar Bigha, District- Shekhpura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madan Mohan

For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-01-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 2.7.2018 in a case registered for the offences punishable under Sections 302 and 120B/34 of the I.P.C. and Section 27 of the Arms Act.

The prosecution case as per the written report of Bhola Yadav dated 16.10.2017 submitted to the SHO, Ghoswari Police Station is to the effect that on 15.10.2017 at 6 P.M., co-accused Ramu Paswan came to the brick-kiln of the informant and requested the informant's brother Shashi Bhushan Yadav to accompany him whereafter the brother of the informant left the brick-kiln with the co-accused Ramu Paswan having Rupees One Lac Fifty Thousand with him but did not return. Subsequently, during search it was found that one Ranjeet Yadav has informed Ghoswari Police Station that at Mokama-Sarmera



NH-82, a dead body has been lying. Thereafter, the informant went there and found the dead body of his brother. The informant raised suspicion against six persons including Ramu Paswan, against whom the FIR has been registered.

It is submitted by learned counsel for the petitioner that on the confessional statement of co-accused Ramu Paswan the name of the petitioner sprang up where he stated that the petitioner was the person who called the victim. It is further submitted that petitioner is not named in the FIR and only on the basis of confessional statement of co-accused, he has been roped in the present case. It is further submitted that during investigation, no verification has been made whether the victim was called by the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the complicity of the petitioner surfaced in the confession of main accused Ramu Paswan, which suggests that the petitioner participated in the commission of offence.

Considering the circumstantial nature of accusation, which is not being verified by the investigating agency, coupled with the statement made in paragraph 3 of the petition that the



petitioner is not having any criminal antecedent, and the period under custody, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Barh in connection with Ghoswari P.S. Case No. 66 of 2017.

(Dinesh Kumar Singh, J)

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