

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54504 of 2019**

Arising Out of PS. Case No.-148 Year-2019 Thana- BIHTA District- Patna
=====

1. KAMLESH PASWAN S/o Raghu Paswan Resident of Village- Amrudiya Tola, P.S.- Bihta, District- Patna.
2. Manish Kumar @ Manish Paswan S/o Surendra Paswan Resident of Village- Amrudiya Tola, P.S.- Bihta, District- Patna.
3. Brij Moan Paswan S/o Sushil Paswan Resident of Village- Amrudiya Tola, P.S.- Bihta, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party
=====

Appearance :

For the Petitioners : Mr. Ram Kumar Singh, Advocate.

For the Opposite Party: Mr. Anuj Kumar Shrivastava, APP
=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 302, 201/34 of the Indian Penal Code registered in connection with Bihta P.S. Case No. 148 of 2019.

3. It is submitted that the petitioners have been falsely implicated on the accusation of killing the deceased lady of 21 years of age whose half burnt body was recovered from the orchard of Uday Mukhiya. It is submitted that the petitioner no. 1 is the uncle and petitioner nos. 2 and 3 are co-villagers of the deceased and except suspicion, there is no material to connect



them with the alleged offence. It is submitted that the petitioner no. 1 was living separately and so also petitioner nos. 2 and 3 were residing some distance away from the house of the deceased. The name of the petitioners has transpired on the confessional statement of co-accused Kariman Paswan , another uncle of the deceased. There is no eye witness to the occurrence. The petitioners claim clean antecedents.

4. Learned APP on the other hand opposes the petition and refers to paragraphs- 82 and 83 of the case diary containing the statement of witnesses namely Sanjeet Kumar and Pinku Kumar who have named the petitioners along with others in the commission of crime but however they are hearsay witnesses.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Bihta P.S. Case No. 148 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioners.



(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

lbrar//-

U		T	
---	--	---	--

