

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61386 of 2019**

Arising Out of PS. Case No.-16 Year-2006 Thana- GURUA District- Gaya

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Feku Paswan @ Saryu Paswan, S/o Late Prabhu Paswan, Resident of Village-
Kathwara, P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Singh

For the Opposite Party/s : Mr.Shyam Bihari Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 27-11-2019 Heard learned Senior counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody since
13.08.2019 in a case registered for the offences punishable
under Sections 302 and 323/34 of the Indian Penal Code.

The prosecution case is that on 09.03.2006 the
informant was coming along with his brother when seven
accused persons including the petitioner attacked and assaulted
them with lathi. They tied the legs and hands of the brother of
the informant took him towards the embankment of the river
and killed him.

It is submitted by learned Senior counsel for the
petitioner that the accusation of assault is against seven persons
when only three superficial injuries have been found and



considering the same, similarly situated co-accused Rajendra Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.09.2018 passed in Cr. Misc. No. 42303 of 2018. The said order has been brought on record as Annexure-2. A statement has been made in paragraph 3 of the petition that the petitioner is accused in two other case but he is on bail.

Learned APP, however, submits that the petitioner is named in the FIR though accusation of assault is omnibus and general.

Considering the fact that the accusation of assault is not being corroborated by the medical opinion, co-accused person has been granted bail by Co-ordinate Bench of this Court and investigation being concluded, let the above named petitioner 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 learned Sub-divisional Judicial Magistrate, Sherghati, District – Gaya in connection with Gurua P.S. Case No. 16 of 2006.

(Dinesh Kumar Singh, J)

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