

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65604 of 2019

Arising Out of PS. Case No.-51 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

-
1. Ganesh Paswan Son of Ram Badan Paswan, Resident of Village-Kukut Palan Kendra Near BSNL Exchange, P.S.-Cheriabariyarpur, District-Begusarai.
 2. Laxman Kumar @ Laxman Paswan, Son of Ram Badan Paswan Resident of Village-Kukut Palan Kendra Near BSNL Exchange, P.S.-Cheriabariyarpur, District-Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-12-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with S.T. Case No. 448 of 2019 (C.I.S. No. 614 of 2019) arising out of Cheriabariyarpur P.S. Case No. 51 of 2019 registered for the offences punishable under Sections 302/201, 120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the FIR was initially lodged by wife of the deceased specifically naming one Dasrath Malakar as the person who had given a call on mobile of her son asking the whereabouts of her husband and on suspicion when she started searching out her husband then his



dead body was found in a filed, she expressed her belief that said Dasrath Malakar with whom there is certain of transaction of money had been involved in killing of her husband but later on in course of investigation the name of these two petitioners have been brought by police on mere suspicion.

Learned counsel submits that in course of investigation no witness has turned up to say that the deceased was at any time seeing with the petitioners or that anybody had identified these petitioners involved in killing of the husband of the informant.

Learned A.P.P. for the State has gone through the case diary and submitted before this Court that although the son of the deceased has made a statement that he heard that his father had been killed when he saw these petitioners involved in commission of an offence, on further query learned A.P.P. admits that in the case diary there is no witness to say that anybody had seen these petitioners involved in commission of an offence and at that point of time the husband of the informant was also seen there. In such circumstance, the petitioners being in custody since 06.09.2019 are directed to release on bail in connection with S.T. Case No. 448 of 2019 (C.I.S. No. 614 of 2019) arising out of Cheriabariyarpur P.S. Case No. 51 of 2019



on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I, Begusarai, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

vats/ved

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

