

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71889 of 2019

Arising Out of PS. Case No.-618 Year-2018 Thana- HAJIPUR District- Vaishali

Shyam Paswan @ Shyam Babu Paswan Son of Ramprasad Bhagat Resident
of Village - Konhara Ghat, Hajipur, P.S.- Town (Nagar), Distt - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Arbind Kumar Singh
For the Opposite Party : Mr. Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Hajipur Town P.S. Case No. 618 of 2018 registered under
Sections 302, 201 and 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that two other co-accused, namely, Janki Devi and
Rani Devi @ Rani Kumari have already been granted pre-arrest
bail by a Bench of this Court vide order dated 16.08.2019
passed in Cr.Misc. No. 36962 of 2019. It is further contended
that the first information report has been instituted after more
than a month of the alleged death of the deceased and receipt of
information regarding his death and there is no plausible
explanation for the undue delay caused in institution of the first
information report. It is also contended that save and except



hypothetical presumption and wild suspicion there is no material to connect the petitioner with the death of the son of the informant.

Learned counsel for the State has opposed the application for grant of pre-arrest bail of the petitioner. However, he admits that two other accused persons have already been granted pre-arrest bail by a Bench of this Court.

Considering the fact that there is no eye-witness to the occurrence and the name of the petitioner has been given in the FIR on mere suspicion and there is no plausible explanation for the delay of more than one month in institution of the FIR, the application is allowed. In the event of arrest or surrender before the court below, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 618 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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