

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4829 of 2020

Arising Out of PS. Case No.-93 Year-2019 Thana- MUSRIGHRARI District- Samastipur

1. Vijay Paswan, aged about 28 years, Male, Son of Moti Paswn, Resident of Village- Adharpur, Moulana Chak, P.S.- Musrigharari, District- Samastipur.
2. Ajay Kumar Paswan @ Ajay Paswan, aged about 30 years, Male, Son of Moti Paswan, Resident of Village- Adharpur, Moulana Chak, P.S.- Musrigharari, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhay Shankar Singh
For the Opposite Party/s	:	Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 28-05-2020 Heard both sides through video conferencing.

The petitioners seek bail in Musrigharari P.S. Case No.93 of 2019, registered under Sections 302, 120-B and 34 of the Indian Penal Code.

The mother of the deceased alleged that her son went along with Arun Pandit who had dropped her son near Kali Asthan but her son did not return. On the next day, i.e., 31.08.2019, the informant came to know that her son was killed and his dead body was thrown in the field. Subsequently the informant came to know that grandson of Moti Paswan, namely, Rajesh Kumar along with other accused persons, namely, Vijay Paswan and Ajay Paswan killed her son.

Learned counsel for the petitioners submits that there is



no tangible material against the petitioners. The informant is not an eye witness of the occurrence. The informant is a hearsay witness. The petitioners are not even the last seen persons. During the course of investigation, some of the witnesses who are hearsay disclosed that the deceased had illicit relation with the mother of Rajesh Kumar and while the deceased was trying to establish physical relation with the mother of Rajesh Kumar, Rajesh Kumar and others killed him but there is no eye witness of the occurrence.

The learned Additional P.P. did not dispute the facts.

Taking into consideration the facts that there is hearsay witness and except the confessional statement of the accused persons that too before the police, there appears no tangible evidence, the petitioners, namely, Vijay Paswan and Ajay Kumar Paswan @ Ajay Paswan are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Samastipur in connection with Musrigharari P.S. Case No.93 of 2019.

(Prabhat Kumar Jha, J)

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