

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4707 of 2020

Arising Out of PS. Case No.-301 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

BALESHWAR PASWAN Son of Deoki Paswan @ Devnath Paswan Resident
of - Nunpur, P.S.- Sadar Hajipur, Distt - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Prasad Singh
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 28-05-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Hajipur Sadar P.S. Case No. 301 of 2019, disclosing offences punishable under Sections 341,323,302/504/34 of the Indian Penal Code.

The deceased was the father of the informant. It is alleged that there was land dispute between the informant's family and the family of the persons named in the First Information Report including this petitioner. It is alleged that on the alleged date of occurrence when the deceased was returning back to his home, the moment he reached near the house of this petitioner, the petitioner and his family members started assaulting him variously with *lathi*. He sustained injuries and subsequently he scummed to the injuries.



Learned counsel for the petitioner has drawn my attention to the First Information Report to submit that the informant cannot be said to be an eye-witness, who claims to have reached the place of occurrence after hearing some noise in respect of the occurrence. He has contended that though no material has been collected in course of investigation to connect the petitioner with the offence alleged, charge-sheet has been casually submitted.

Case diary has been called for, which is available. On perusal of the case diary, I find substance in submission made on behalf of the petitioner that no witness has claimed to be an eye-witness of the occurrence. The petitioner is said to be 70 years old.

Learned Additional Public Prosecutor appearing for the State has opposed the prayer for bail.

However, considering the submission as noted above, this application is allowed.

Let the petitioner above-named 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Sadar P.S. Case No. 301 of 2019.



(Chakradhari Sharan Singh, J)

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