

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71916 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Ganesh Paswan Son of Ram Badan Paswan Resident of Village-
Mehdashahpur, P.S-Charia bariyarpur, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1

For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 17-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since
28.06.2019 in a case registered for the offences punishable
under Sections 302 and 201 of the Indian Penal Code, hence, the
prayer for bail has been made through the present application.

The prosecution case, as per the fardbeyan of
Bhagiya Devi recorded on 28.03.2019 by SHO,
Cheriyabariyarpur Police Station, is to the effect that on
24.03.2019, the son of the informant, Raushan Kumar Sahni left
the house for bringing his niece, but he did not return. On
28.03.2019, the dead body of the son of the informant was
recovered from the maize field, leading to registration of the



case against unknown. The name of the petitioner sprang up during investigation on the basis of statement of Raja Kumar and Rohit Kumar recorded in para 19 and 20 of the case diary and they suggested that lastly, they saw the victim in the company of the petitioner.

It is submitted by learned counsel for the petitioner that there is no eye witness to the alleged occurrence and investigation has already been concluded. Though the petitioner is accused in two other cases but he is on bail in both the cases. It is further submitted that similarly situated co-accused Anurag Kumar and Raja Khan have been granted bail by Co-ordinate bench of this Court vide Cr. Misc. Nos. 58178 of 2019 and 61712 of 2019.

Learned APP for the State submits that the name of the petitioner sprang up during investigation as the son of the informant was lastly seen in the company of the petitioner.

Considering the suspicious nature of accusation, the fact that investigation has already been concluded and similarly situated co-accused persons have been granted bail by Co-ordinate bench of this Court, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the



satisfaction of the learned A.C.J.M., Manjhaul, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 42 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned A.C.J.M., Manjhaul, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 42 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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