

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.87077 of 2019**

Arising Out of PS. Case No.-404 Year-2019 Thana- CHANDI District- Nalanda

- =====
1. UMESH PASWAN @ DARA PASWAN S/o Late Hari Nandan Paswan
  2. Sonu Kumar @ Sonu Paswan S/o Umesh Paswan
  3. Ujjawal Paswan @ Ujjawal Kumar S/o Umesh Paswan
  4. Anju Devi W/o Umesh Paswan
  5. Ganesh Paswan S/o Late Bishundeo Paswan

All are residents of Village- Debdha, P.S.- Deep Nagar, Distt- Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Anil Kumar Singh  
For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
ORAL ORDER

3 24-06-2020 Heard Mr. Anil Kumar Singh, learned counsel for  
the petitioner and Dr. Mrityunjaya Kumar Gautam, learned  
APP for the State.

The petitioners seek bail in anticipation of their  
arrest in connection with Chandi P.S. Case No. 404 of 2019  
dated 04.11.2019 instituted for the offences under Sections  
302/34 of the Indian Penal Code.

It appears from the First Information Report that  
the brother of the deceased has lodged a case alleging that



the wife of the deceased had died and the in-laws of his brother (deceased) had called him for participating in the last rites. However, that was only a ploy and the petitioners are alleged to have killed the brother of the informant.

It has been urged on behalf of the petitioners that the entire story of the prosecution does not appear to be believable for the reason that for the death of the wife of the deceased, a case was lodged by her family members in which, the informant and the deceased of the present were made accused. If this were so, the brother of the informant (deceased of this case) would not have been called for participating in the last rites.

The petitioners are related to the wife of the deceased in as much as the petitioner no. 1 is the father of the wife of the deceased whereas petitioner nos. 2 and 3 are the sons of petitioner no. 1 and petitioner no. 4 is the wife of petitioner no. 1. Petitioner no. 5 is the own brother of the deceased of this case.

It has also been pointed out that there is no eye witness to the occurrence and the dead body of the brother



of the informant was recovered at a place which is 20 kilometers away from the village of the petitioners. The place of recovery of the dead body of the deceased in the present case falls in the village of the informant.

Regard being had to the background facts and the nature of accusation against the petitioners, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -I, Hilsa, Nalanda, in connection with Chandi P.S. Case No. 404 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure

**(Ashutosh Kumar, J)**

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