

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37421 of 2020

Arising Out of PS. Case No.-225 Year-2020 Thana- BARH District- Patna

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1. ROHIT PASWAN Son of Dev Paswan Resident of Village- Shahri, P.S.- Barh, Distt- Patna.
 2. SUNIL PASWAN Son of Jatan Paswan Resident of Village- Shahri, P.S.- Barh, Distt- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chauirasia, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 24-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioners and the learned APP for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Barh Athamalgola PS Case No. 225 of 2020 registered under Sections 302/34 of the IPC and Section 27 of the Arms Act.

Co-accused Nitesh Kumar, son of Fekan Paswan has called informant's son and taken him towards western side of the village, where it is alleged that the instant petitioners were in the waiting. Informant's son has been killed over an alleged dispute with regard to Rs. Three lakhs which was being demanded by the petitioner no. 1 since before the occurrence.



It is submitted by learned Counsel for the petitioners that the allegation of firing is alleged against co-accused Suraj Kumar. The petitioners have no criminal antecedent. They are similarly situated with Nitesh Kumar, who has been allowed bail in Cr. Misc. No. 12509 of 2021. The FIR itself shows that the informant is not an eye witness to the occurrence and the petitioners are in custody since 26.6.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM I, Barh, Patna in Barh Athamalgola PS Case No. 225 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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