

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1974 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- BAHADURPUR District- Darbhanga

Sarvesh Paswan @ Sarwesh Paswan aged about 27 years Son Of Shri Shatrudhan Paswan @ Shatrughan Paswan Resident Of Village - Kamalpur, At Present Chhaprar, P.S. - Bahadurpur, O.P. - Fekla, District - Darbhanga

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Manish Kumar No 13, Advocate

For the Opposite Party : Mr. Anil Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 21-06-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 302/120B of the Indian Penal Code.

As per the prosecution case, in the night petitioner and co-accused Roht Paswan went to the house of the informant and on their persuasion, informant's brother went with them to see Orchestra programme organized at nearby place . At about 3 am, informant received information that all the FIR named accused persons including the petitioner and some unknown



persons pulled his brother down from the stage, assaulted him and jumped on his stomach and chest as result of which his brother died on the spot.

Learned counsel for the petitioner submits that the informant is neither the eye witness of the occurrence nor has he disclosed name of the person from whom he got the information regarding involvement of the petitioner in the alleged offence. It is further submitted that informant's brother had in fact consumed too much alcohol and was out of control and so he fell down from the stage on the hard surface and died. Even the post mortem report reveals that there was no external injury on the part of the deceased and found alcohol in the stomach. Petitioner has been implicated in this case only on the basis of suspicion and apart from this, no other incriminating material has been collected against him during course of investigation. Petitioner is in custody since 4.6.2020 and investigation is complete.

State counsel opposes the prayer for bail.

Considering the rival submissions of the parties and the materials on record, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like



amount each to the satisfaction of Judicial Magistrate 1st class,
in Darbhanga in Bahadurpur (Fekla OP) Police Station Case
No. 105 of 2020/ CRI No. 618 of 2020 on the following
conditions:-

(1) Petitioner shall co-operate in the trial and shall be
properly represented on each and every date fixed by the Court
and shall remain physically present as directed by the Court
and on his/her absence on two consecutive dates without
sufficient reason, his/her bail bond shall be cancelled by the
Court below.

(2) If the petitioner tampers with the evidence or the
witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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