

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4937 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- CHHATAPUR District- Supaul

1. Bindeshwari Paswan aged about 52 years S/O Late Mungalal Paswan Resident Of Village - Khunti, Ward No. 06, P. S. - Chhatapur, District - Supaul.
2. Somni Devi aged about 45 years W/O Bindeshwari Paswan Resident Of Village - Khunti, Ward No. 06, P. S. - Chhatapur, District - Supaul.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Pramod Mishra, Advocate
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-03-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioners and the
State.

Petitioners seek bail in a case registered for the offence
punishable under sections 307/302 and other ancillary sections
of the Indian Penal Code.

As per the prosecution case, while the informant was
at his house, petitioner no.1 went to cut down his tree which
was objected by informant's father. Thereafter, all the accused
persons including the petitioners assaulted informant's father
with iron rod as a result of which he sustained injuries on his



head, legs and arms and ultimately died in course of treatment.

Learned counsel for the petitioners submits that the occurrence took place on the spur of moment over cutting of a tree and there was no intention of the petitioners to kill father of the informant. There is general and omnibus allegation of assault. Petitioner no.1 and the deceased are own brother. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner nos. 1 and 2 are in custody since 18.4.2020 and 27.5.2020 respectively.

Considering the fact that the incident took place in the backdrop of dispute over cutting of a tree coupled with the fact that there is general and omnibus allegation against the petitioners who are in custody for near about nine months, let the petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Supaul in Chhatapur Police Station Case No. 4 of 2020 on the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper 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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