

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6474 of 2021

Arising Out of PS. Case No.-264 Year-2020 Thana- BAHADURPUR District- Darbhanga

1. Gulab Paswan (Male), aged about 25 years, son of Naresh Paswan, Resident of Village-Mirzapur Kauahi, P.S.-Bahadurpur, District-Darbhangha.
2. Shambhu Paswan (Male), aged about 28 years, son of Late Pachkauri Paswan Resident of Village-Kopgadh, P.S.-Keoti, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 23-06-2021 Heard learned counsel for the petitioners as well as learned A.P.P. for the State through video conferencing.

The petitioners seek bail in Bahadurpur P.S. Case No. 264 of 2020, registered for the offence under Sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution case, on a secret information, on 20.06.2020 at about 10:00 AM, during course of patrolling, the informant reached housing colony wherein a dead-body of a lady in burnt condition was found and on enquiry, he came to know that petitioner no. 1 (Gulab Paswan) and co-accused Priyaranjan Singh had brought the deceased lady ten days ago in the quarter of housing colony. It is further alleged that petitioner



no. 1 and co-accused Priyaranjan Singh had compelled the lady to indulge in wrongful activities and on protest, they used to thrash her (deceased).

It is submitted on behalf of petitioners that save & except suspicion, there is no other material to connect the petitioners in the aforesaid crime. There is no eye-witness to the occurrence and entire investigation and materials are based on conjecture and surmises. So far as petitioner no. 2 is concerned, he is neither named in the F.I.R. nor anything has been whispered by the daughter of the deceased in her statement recorded under Section 164 Cr.P.C. Name of petitioner no. 2 has come during course of investigation in the confessional statement of co-accused. Petitioner no. 1 is in custody since 22.06.2020, whereas, petitioner no. 2, who has got clean antecedent, is in custody since 23.06.2020.

However, learned A.P.P. for the State has vehemently opposed the bail application and submitted that so far as petitioner no. 1 (Gulab Paswan) is concerned, he has been named in the F.I.R. as well as in the statement of daughter of deceased, recorded under Section 164 Cr.P.C. and there is specific allegation against him (petitioner no. 1). Petitioner no. 1 has got criminal antecedent.



Considering the fact that there is specific allegation against petitioner no. 1 (Gulab Paswan) in the F.I.R. as well as in the statement recorded under Section 164 Cr.P.C., I am not inclined to grant him bail and according, the prayer for bail of petitioner no. 1 (Gulab Paswan) is rejected.

So far as petitioner no. 2 namely Shambhu Paswan is concerned, he is released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Darbhanga in connection with Bahadurpur P.S. Case No. 264 of 2020 on the following conditions:

“(1) He shall cooperate 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 absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If he 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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