

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9145 of 2021

Arising Out of PS. Case No.-279 Year-2020 Thana- SIRDALA District- Nawada

1. Guriya Devi W/o Rampukar Paswan R/o village- Alalpur, P.S.- Fatehpur, District- Gaya
2. Vijay Kumar Son Of Lakhan Paswan R/o village- Chak, P.S.- Sirdala, District- Nawada
3. Twinkal Kumar @ Rinkal Kumar Son Of Lakhan Paswan R/o village- Chak, P.S.- Sirdala, District- Nawada
4. Lakhan Paswan Son Of Late Yamuna Paswan R/o village- Chak, P.S.- Sirdala, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar, Adv.
For the State	:	Ms. Meena Singh APP
For the Informant	:	Mr. Sharda Nand Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-03-2021 Heard learned counsel for the petitioners, informant and the learned APP for the State.

Learned counsel for the petitioners is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioners seek bail in Sirdala PS Case No.279 of 2020 instituted for the offence under Sections 302 and 201/34 of the Indian Penal Code.

The dead body of the husband of the informant has been recovered leading to lodging of the instant case. The petitioners have been made accused as the informant has stated that the victim was having illicit relation with petitioner no.1 and the



petitioners were pressurizing the informant to convey certain lands in their favour.

It is submitted that the victim himself was man of doubtful antecedent. The own brother of the informant had instituted an First Information report bearing Sirdala PS Case No. 442 of 2019 for the alleged offences under the Excise Act. There is no eye witness to occurrence. Other than the alleged illicit relationship with petitioner no.1 there is no basis of implication of the petitioner No 1 and all her family members who are petitioners before this Court. Petitioner nos. 1, 2 and 3 are in custody since 02.08.2020 whereas petitioner no.4 is in custody since 10.09.2020. The victim has been found with one fatal injury.

The learned counsel for informant and APP have opposed the prayer for bail by submitting that in view of the illicit relation of the victim with petitioner no.1, the petitioners have been pressuring him to convey lands in their favour and altogether they have killed the victim.

Considering the rival submissions and the fact that only one fatal injury has been found on the person of the deceased, this Court is inclined to allow the prayer. Let the petitioners, above named, be released 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 the learned Additional Chief Judicial Magistrate, 1st Nawada, in connection with Sirdala PS Case No. 279 of 2020, subject to the following conditions:-

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



address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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