

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11057 of 2021

Arising Out of PS. Case No.-99 Year-2020 Thana- BISHANPUR CHOWK District-
Darbhanga

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1. Uttam Paswan Son Of Late Mahesh Paswan Resident Of Village- Lawatole (Godiyari),P.S- Bisanpur, District- Darbhanga
 2. Kishori Paswan Son Of Late Mahesh Paswan Resident Of Village- Lawatole (Godiyari),P.S- Bisanpur, District- Darbhanga
 3. Mithlesh Paswan Son Of Kishori Paswan Resident Of Village- Lawatole (Godiyari),P.S- Bisanpur, District- Darbhanga
 4. Abhisekh Paswan Son Of Uttam Paswan Resident Of Village- Lawatole (Godiyari),P.S- Bisanpur, District- Darbhanga
 5. Amarnath Paswan Son Of Late Ramdayal Paswan Resident Of Village- Lawatole (Godiyari),P.S- Bisanpur, District- Darbhanga
 6. Indra Devi Wife Of Uttam Paswan Resident Of Village- Lawatole (Godiyari),P.S- Bisanpur, District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Saroj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-11-2021 Let the defects, if any, be removed within four weeks after complete start of the physical Court.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioner No.1 Uttam Paswan and petitioner No.4 Abhisekh Paswan have already been arrested in this case. Hence, their prayer for anticipatory bail is infructuous now.

Submission is that FIR was lodged on recovery of



dead-body of the son of the informant. Suspicion has been raised against the petitioners and besides suspicion there is no other material against the petitioners.

Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that processes under Sections 82 and 83 Cr.P.C. were issued against the petitioners.

Considering no direct material on the petitioners' involvement as well as the fact that the petitioners were pursuing legal rights before the appropriate forum throughout and were not absconding in this case, it cannot be argued that the petitioners were evading the process of law. Hence, the bar aforesaid is not applicable in this case.

Accordingly, let the petitioners, namely, Kishori Paswan, Mithlesh Paswan, Amarnath Paswan and Indra Devi, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Bisanpur Police Station Case No.99 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure



as well as condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

The petitioners shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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