

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2207 of 2022

Arising Out of PS. Case No.-188 Year-2021 Thana- BHAGWANPUR District- Vaishali

Inod Paswan S/o Late Jagdhari Paswan R/o village- Prataptand, P.S.-
Bhagwanpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the victim
through public prosecutor.

The petitioner seeks regular bail in connection with
Bhagwanpur P.S. Case No. 188 of 2021, lodged under Sections
120(B), 302/201 of the Indian Penal Code.

As per prosecution case, the Police had received
information that in the western part of village Prataptand, dead
body of a boy and a girl are floating in the pond. The dead body
was identified by the *Chawkidar* as Raunak Kumar Patel and Sima
Kumari. It has been stated in the F.I.R. that matter was known in
the public at large that both were in love and interested to marry
but relative of both the deceased use to oppose this marriage. It has
also been intimated in the F.I.R. that with a view to maintain the

social prestige the relative of both the deceased have committed this offence and thrown the dead body in the pond and, therefore, case has been filed against the family of both the deceased.

Learned counsel for the petitioner submits that petitioner is neither father nor mother nor brother and nor uncle of the deceased, he has been arrested in this case only on the basis of confessional statement of one Ravi Kumar. Learned counsel for the petitioner further submits that the said petitioner is *Chaukidar* of the area and when Police reached he has identified the dead body. She further submits that petitioner is in custody since 06.09.2021, having clean antecedent and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail on the ground that co-accused has disclosed the name of petitioner in commission of this crime.

Learned counsel for the informant through public prosecutor vehemently opposes the prayer for bail and submits that there is continuous threat from the side of accused persons for not adducing the evidences.

Learned counsel for the petitioner submits that there is already provision under Witness Protection Scheme recently launched by the State of Bihar. She also submits that the said application has been filed after filing of bail application.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 188 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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