

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14224 of 2021

Arising Out of PS. Case No.-235 Year-2020 Thana- RAHUI District- Nalanda

1. GANGA PASWAN S/o Late Kuldeep Paswan R/o Village- Dhamasang, P.S.- Rahui (Bhaganbigha), District- Nalanda.
2. Manti Devi W/o Ganga Paswan R/o Village- Dhamasang, P.S.- Rahui (Bhaganbigha), District- Nalanda.
3. Yugal Paswan S/o Ganga Paswan R/o Village- Dhamasang, P.S.- Rahui (Bhaganbigha), District- Nalanda.
4. Bhushan Paswan S/o Ganga Paswan R/o Village- Dhamasang, P.S.- Rahui (Bhaganbigha), District- Nalanda.
5. Parduman Paswan S/o Ganga Paswan R/o Village- Dhamasang, P.S.- Rahui (Bhaganbigha), District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Opposite Party/s : Mr.Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 24-02-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned APP for the State.

It appears that anticipatory bail petition on behalf of petitioner nos. 1, 3 and 5 has already been permitted to be withdrawn by order dated 12.01.2022.

The petitioner no. 2 and 4 apprehend their arrest



for the offences alleged under Section 302/34 of the Indian Penal Code, registered in connection with Rahui (Bhaganbigha O.P.) P.S.Case No. 235 of 2020 (GR No. 3843/2020).

The learned counsel for the petitioners has submitted that three accused persons Ganga Paswan, Yugal Paswan and Dipak Kumar Paswan have been acquitted in S.T.No. 354 of 2021 by judgment and order dated 03.11.2021 passed by the learned Additional Sessions Judge-III, Biharsharif, Nalanda. At the time of hearing, the copy of that judgment was made available by the learned counsel for the petitioners. The learned trial court has observed that during the trial, altogether seven witnesses have been examined and not a single witness has supported the prosecution case. Considering these facts, the learned trial court has acquitted the co-accused persons.

On the other hand, the learned APP has submitted that the post mortem report fully corroborates the allegation made in the FIR, but during trial, the learned Sessions Judge in his judgment has taken note of this fact and he has mentioned that all the seven witnesses have stated that the death of the deceased was caused due to falling from stairs.

Considering the above facts and circumstances, let the petitioner nos. 2 and 4, namely Manti Devi and Bhushan



Paswan, respectively, in the event of their arrest or surrender within four weeks from the date of communication of this order, 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 learned C.J.M. Nalanda at Biharsharif in connection with Rahui (Bhaganbigha O.P.) P.S.Case No. 235 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

HR/-

U		T	
---	--	---	--

