

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15578 of 2022

Arising Out of PS. Case No.-182 Year-2021 Thana- DINARA District- Rohtas

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1. Amit Paswan Son of Late Murari Paswan @ Murli Pasvan Resident of Village - Kaniyari, P.S.- Dinara (Bhanas), District - Rohtas.
 2. Indrajit Paswan Son of Late Murari Paswan @ Murli Pasvan Resident of Village - Kaniyari, P.S.- Dinara (Bhanas), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-08-2022 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Dinara
(Bhanas) P.S. Case No. 182 of 2021 registered for the offence
under Sections 302, 201 and 120(B) of Indian Penal Code.

The accused/petitioners are named in the F.I.R. and
are in custody since 09.07.2021.

The allegation against the petitioners is to commit
murder of husband of the informant, alongwith other co-accused
persons, in the background of previous enmity.

Learned counsel appearing on behalf of the petitioners



submitted that informant is not the eye witness of the occurrence and entire allegation of the prosecution is based upon mere suspicion, as some hot altercation took place with the petitioners much prior to this occurrence. It is submitted that save and except suspicion, nothing surfaced during the course of investigation, which may connect the petitioners, *prima facie*, with the present set of occurrence. It is also submitted that charge has already been framed against the petitioners. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail, fairly conceded that informant is not the eye witness of the occurrence.

In view of the facts and circumstances, as mentioned above, as informant is not the eye witness of the occurrence and further nothing incriminating surfaced during the course of investigation, which may connect the petitioners, *prima facie*, with the alleged occurrence coupled with the fact that petitioners are persons of clean antecedent where chargesheet has already been submitted, let both the petitioners, above



named, are directed to be released on bail in connection with Dinara (Bhanas) P.S. Case No. 182 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IX, Sasaram, District-Rohtas, subject to the following conditions:

“(i) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by the documents.

(ii) That one of the bailors shall be Raj Kumaro Devi, who is the mother of petitioners and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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