

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15537 of 2022

Arising Out of PS. Case No.-264 Year-2021 Thana- HASPURA District- Aurangabad

1. SUDHIR PASWAN S/o Shiviladdu Paswan R/o Village - Bela Bigha, P.S. - Haspura, District - Aurangabad, Bihar.
2. Ganga Paswan S/o Chandra Paswan R/o Village - Bela Bigha, P.S. - Haspura, District - Aurangabad, Bihar.
3. Jitendra Paswan S/o Chandra Paswan R/o Village - Bela Bigha, P.S. - Haspura, District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-07-2022

Heard learned counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioners are in judicial custody in connection
with Haspura P.S. Case No. 264 of 2021 for the offences under
Sections 302, 120(B) and 34 of the Indian Penal Code.

The allegation against the petitioners is/are that the
FIR named accused persons including the petitioners herein
killed Shailendra Ravidas, son of the informant. It is further
alleged that sharp cut injuries were found on the person of the
deceased.



Learned counsel for the petitioner submits that a bare perusal of the FIR would show that there is no eye witness to the occurrence and the lady, who had informed about the occurrence had stated that she has come to know that there has been accident which led to the death of informant's son. It is further submitted that only on the basis of earlier scuffle as well as threatening, the petitioners herein implicated in this case. He lastly submits that they are in jail since 15th of December, 2021 (as stated in paragraph-20 of the bail application). Learned Counsel has also brought on record the postmortem report to show that the injuries that was found on the person of the deceased seems to be due to the accident and cannot be attributed to any killing.

Taking into account the aforesaid facts that there is no eye witness to the occurrence, the charge sheet has already been submitted and the petitioners are in jail since 15.12.2021, this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Daudnagar, Aurangabad in connection with Haspura P.S. Case No. 264 of 2021, subject to the



following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence.

With the aforesaid observations, the bail application is allowed.

Before parting, this Court would like to put on record the word of appreciation for Mr. Madhukar Anand, learned counsel appearing on behalf of the petitioners for the assistance rendered by him.

(Rajiv Roy, J)

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