

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26659 of 2021

Arising Out of PS. Case No.-340 Year-2020 Thana- BODHGAYA District- Gaya

1. DHARMENDRA PASWAN S/o Rambhajan Paswan Resident of Village- Simriya, P.S.- Cherki (Bodhgaya), District- Gaya.
2. Jairam Paswan S/o Rambhajan Paswan Resident of Village- Simriya, P.S.- Cherki (Bodhgaya), District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Adv.
For the Opposite Party/s	:	Mr. Surendra Kumar, APP
For the informant	:	Mr. Prithvi Raj Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 04-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 363 and 365 of the Indian Penal Code to which sections 302, 201 and 34 of the Indian Penal Code were added subsequently.

As per the prosecution case, it is stated by the informant that his elder brother Ranjeet Kumar started from his house on receiving a telephone call and thereafter did not return. His mobile phone was found to be switched off and inspite of enquiry he was not to be found.

It is submitted by learned counsel for the



petitioners that the F.I.R. was registered against unknown. The name of the petitioners transpired in course of investigation on the basis of their confessional statement made before the police. No incriminating material has transpired in course of investigation to connect the petitioners with the alleged crime. There are no eye witness to the occurrence. The petitioners are in custody since 29.10.2020 and they have no criminal antecedent. They undertake to cooperate in the trial.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that it transpired in course of investigation that it was as a result of love affair between the daughter of the petitioner no.2 who also happens to be niece of petitioner no.1 and the son of the informant that the petitioners committed the murder of the informant's son. The allegations are substantiated from the mobile records and the tower location of the mobile phones of the accused which has come in paragraphs nos. 24 and 46 of the case diary as also the confession of the petitioners in paragraph nos 28 and 29 of the case diary. Further the witness in paragraph no. 67 of the case diary has also supported the case against the petitioners.

Having heard learned counsel for the parties and taking



into consideration the facts of the case, the material that has transpired in course of the investigation and the petitioners having remained in custody for more than 1 year, the Court directs the petitioners to be enlarged on bail in connection with Sessions Trial no.49 of 2021/21 of 2021 [arising out of Bodhgaya (Cherki) P.S. Case no. 340 of 2020] on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge Xth, Gaya.

It is directed that the petitioners shall cooperate in the trial in the learned trial Court. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioners, the learned trial Court may cancel the bail bond of the petitioners and take them into custody till conclusion of the trial.

(Partha Sarthy, J)

Bibhash

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

