

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18589 of 2022

Arising Out of PS. Case No.-268 Year-2021 Thana- PATEPUR District- Vaishali

1. RAM BAHADUR PASWAN Son of Late Shree Chandradeo Paswan Resident of Village - Murjapur @ Murtuzapur @ Murtujapur Dumari, P.S.- Patepur, Distt.- Vaishali.
2. SUBODH PASWAN Son of Rambalak Paswan Resident of Village - Murjapur @ Murtuzapur @ Murtujapur Dumari, P.S.- Patepur, Distt.- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioners and
learned APP for the State.

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

The case is registered under sections 147, 149,
341, 342, 323, 302 of the Indian Penal Code, in connection
with Patepur P.S. Case No. 268 of 2021.

In this case, case diary was called for on
27.7.2022.

As per the prosecution story, it is alleged that



the deceased used to take the labour force to Haryana for getting them job. There was natural death of one of the villager and for that a 'Panchayat' was to be held and the deceased had returned to his native village for attending the said 'Panchayat'.

Upon knowledge of his arrival, it is alleged that the accused persons caught hold of him tied him to a pole and assaulted indiscriminately resulting into his death. Later, the police rushed and took him away but he succumbed to injuries.

Learned counsel for the petitioners submit that so far as the petitioner no.1 is concerned, he has absolutely no concern with the case and a bare perusal of the FIR would show that he is not named.

The learned APP on the other hand submits that a perusal of the post mortem report shows multiple injuries/fractures of the entire body of the deceased has been recorded by the doctor and considering the gravity of the allegation so far as the petitioner no.2 is concerned, he does not deserve bail having named in the F.I.R.

Taking into account the aforesaid facts, this court is not inclined to grant any relief to the petitioner no.2



and his bail application is accordingly rejected.

So far as the petitioner no.1 is concerned, as he has not been named in the FIR, is in custody since 22.12.2021(as stated in para-1 of the bail application), has no criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner No.1 be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M.-III, Vaishali at Hajipur, in connection with Patepur P.S. Case No. 268 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members 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 in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for



cancellation of his bail bonds.

With the aforesaid observations, the bail application of petitioner no.1 is allowed and petitioner no.2 is rejected.

(Rajiv Roy, J)

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