

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33088 of 2021

Arising Out of PS. Case No.-89 Year-2020 Thana- MANPUR District- Nalanda

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1. JAMUN PASWAN Son of Late Hargovind Paswan Resident of Village- Dhunki Dih, P.S.- Manpur, District- Nalanda.
 2. Rampriye Paswan Son of Jamun Paswan Resident of Village- Dhunki Dih, P.S.- Manpur, District-Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Narayan Singh, Adv
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 05-01-2022

I.A. No. 01 of 2021

Heard learned counsel for the parties.

The prayer of the petitioners in this interlocutory
application reads as follows:-

“That this is an application for modification of order dated 08.10.2021 passed by this Court, to the extent to correct/modify the district name as “Nalanda” on the place of “Patna” in the address portion of the order sheet as well as modify the condition no. 1, i.e. “Where one of the bailor will be father of the petitioner no. 2” as your lordship may deem fit and proper, because father of the petitioner is in judicial custody in connection with the present case and he is petitioner no. 1 in the present bail application.”

Learned counsel for the petitioners submits that in the

cause title of Criminal Miscellaneous No. 33088 of 2021 as well as cause title of order dated 08.10.2021 by which regular bail was granted to petitioner no. 2 address of petitioner no. 1 and 2 in cause title has been typed as 'Patna' however, same may be corrected as '**Nalanda**'.

In such view of the matter, let the district as recorded in cause title of order dated 08.10.2021 as well as in the cause title of Criminal Miscellaneous No. 33088 of 2021, district 'Patna' is corrected as district '**Nalanda**'.

Other modification is not pressed.

This interlocutory application is allowed.

Criminal Miscellaneous No. 33088 of 2021

Vide order dated 08.10.2021 petitioner no. 2 was granted bail and case diary was called for with regard to petitioner no. 1.

As per office report case diary has been received.

Informant in her fardbeyan has alleged that on 18.08.2020 at about 8:15 am her husband along with Buffalo went outside the house and when he reached near Gram Dhanuki Hospital, Jamun Paswan and Laxmi Chandra Prasad ordered to kill him thereafter Rambriksh Paswan, Uttam Paswan, Jaiwant Paswan, Ramakant Paswan, Rampriye Paswan

and Ramgulam Paswan armed with pistol surrounded her husband and Jamun Paswan assaulted her husband with lathi and Uttam Paswan shot fire which hit near his mouth and Jaikant Paswan, Ramgulam Paswan and Ramakant Paswan having pistols in their hand started indiscriminate firing which hit in his head, on account of which her husband died.

Learned counsel for the petitioner no. 1 Jamun Paswan, submits that from persual of post mortem report, no injury from hard blunt substance has been found and the cause of death is fire arm injury. All accused are of same family. Petitioner no. 1 has got no criminal antecedent and is in custody since 05.09.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner no. 1 Jamun Paswan, be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Sessions Trial No. 278 of 2020 arising out of Manpur P.S. Case No. 89 of 2020**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, where one of the bailor will be his close family relative.

(2) Petitioner no. 1 shall co-operate in the

trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner no. 1 tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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