

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22933 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- BIBHUTIPUR District- Samastipur

1. Raj Kumar Paswan Son Of Bhaglu Paswan R/O Village- Dih Boriya, P.S.-
Bibhutipur, District- Samastipur
2. Naresh Paswan Son Of Bhaglu Paswan R/O Village- Dih Boriya, P.S.-
Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 Heard Mr. Mirityunjay Kumar learned counsel
appearing on behalf of the petitioners and Md. Aslam Ansari
learned Additional Public Prosecutor of the State

At the very outset, learned counsel for the
petitioners seek permission to make necessary correction in
Para-40 of the bail application in course of the day.

Permission is accorded

Petitioners seek bail in a case registered in connection
with Bibhutipur/Vibhutipur P.S. Case No. 26 of 2021 for the
offences punishable under Sections 147, 148, 149, 302, 323
and 341 of the Indian Penal Code.

As per the prosecution case, it is alleged that the



informant along with his other family members were in their house, all of a sudden, all the FIR name accused persons and 70-80 unknown persons have attacked on the house and kidnapped the son of the informant and taken to another place and thereafter, all the accused persons killed him by means of lathi, danda, khanti, rod, bricks and stones.

Learned counsel appearing on behalf of the petitioners submits that there is general and omnibus allegation against all the F.I.R named accused persons and 70 to 80 unknown persons. It is further submitted that there is no eye-witness to the alleged occurrence, who can specifically named the accused persons on whose assault, the deceased was done to death. It is next submitted that prior to the alleged occurrence, the deceased of the present case and other accused persons have killed the minor son of Mahesh Mahto and dead body of his minor son was found and the co-accused of that case namely, Mithlesh Kumar has confessed that the deceased of the present case have killed the minor son of the Mahesh Mahto. It is next submitted that other co-accused persons, having similar allegation, have been granted bail by co-ordinate Bench of



of this Court in Cr. Misc No. 2375 of 2022 vide order dated 17.05.2022 and Cr. Misc No. 61420 of 2021 vide order dated 13.04.2022 the copies of which have been taken on record.

On the other hand, learned counsel for the State vehemently opposed the bail application of the petitioners and submits that this is a case of brutal murder of a person, who was forcibly kidnapped and taken away by the mob and thereafter killed by them. It is also submitted that the informant is an eye witness to the alleged occurrence.

Having heard the rival contentions of the parties and taking into consideration the fact that there is a general and omnibus allegation against various persons and no overt act has been attributed against anyone. Moreover, co-accused persons having identical allegation have been grant bail by different co-ordinate benches of this Court, apart from the fact that, investigation has been concluded and the charge sheet has been submitted and petitioners are in custody since 15.01.2022, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like



amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II Rosera, Samastipur or successor court, Rosera, Samastipur in connection with Bibhutipur/Vibhutipur P.S. Case No. 26 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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