

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42428 of 2021

Arising Out of PS. Case No.-68 Year-2020 Thana- SANOKHAR District- Bhagalpur

1. PAWAN PASWAN Son of Niko Paswan Resident of Village - Belsar, P.S.- Amadanda, District - Bhagalpur.
2. Basanti Devi Wife of Pawan Paswan Resident of Village - Belsar, P.S.- Amadanda, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-03-2022 Heard the learned counsel for the petitioners and the learned APP for the State, Ms. Anita Kumari Singh.

The petitioners seek regular bail in connection with S.T.No. 224/2021 arising out of Sanokhar (Amadanda) P.S. Case No. 68/2020, registered for the offence punishable under Sections 328 and 302/34 of the Indian Penal Code.

The allegation is regarding the accused persons having administered poison to the son of the informant resulting in his death.



The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having clean antecedent and they are languishing in custody since 20.1.2021. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the petitioners and the fact is that the dead body of the deceased was recovered from the house of co-accused persons, namely, Doli Devi and Arun Paswan. It is further submitted that the said Doli Devi and Arun Paswan have already been granted bail by coordinate Benches of this Court vide orders dated 21.10.2021 and 2.2.2022 passed in Criminal Miscellaneous No. 9250 of 2021 and Criminal Miscellaneous No. 4578 of 2022 respectively. It is further submitted that one other similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 5.1.2022 passed in Criminal Miscellaneous No. 42047 of 2021.



Per contra, the learned APP for the State has though vehemently opposed the prayer for bail but upon perusal of the case diary has submitted that the dead body of the deceased has been recovered from the house of Doli Devi and Arun Paswan and they have already been granted bail by coordinate Benches of this Court.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that the dead body of the deceased has neither been recovered from the house of the petitioners nor the petitioners are alleged to be present at the house of the said Doli Devi and Arun Paswan, from whose house the dead body of the deceased was recovered, apart from the fact that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioners on regular bail.



Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-Xth, Bhagalpur in connection with S.T.No. 224/2021 arising out of Sanokhar (Amadanda) P.S. Case No. 68 of 2020.

(Mohit Kumar Shah, J)

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