

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18577 of 2022

Arising Out of PS. Case No.-21 Year-2021 Thana- MUFFASIL District- Aurangabad

1. Krishna Paswan (Male) aged about 26 years S/O Late Mahesh Paswan R/o village- Badkee Bela, P.S.- Aurangabad (M), District- Aurangabad
2. Chotu @ Chote Paswan @ Ashok Paswan (Male) aged about 35 years S/o Late Kanchan Paswan R/o village- Badkee Bela, P.S.- Aurangabad (M), District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate.
For the Opposite Party/s : Mr. Upendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 23-08-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Aurangabad P.S. Case No. 21 of 2021 lodged under Sections 302/34 of the Indian Penal Code.

As per the allegation made in the F.I.R., the petitioners caused murder of the deceased with the help of sharp edged weapon alongwith other co-accused persons.

Learned counsel for the petitioners submits that from the allegations made in the F.I.R. it is clear that there is no eye

witness of the said event. He further submits that there is a long pending land dispute going on between the petitioners and the informant side. He also submits that nothing incriminating surfaced against the petitioners during the course of investigation. He further submits that petitioners are in custody since 04.04.2021. He also submits that against both the petitioners one criminal case was filed by the father of the informant, except that there is no criminal case pending against them. Learned counsel for the petitioners further submits that one co-accused person namely Upendra Paswan has already been granted bail by the Co-ordinate Bench of this Court vide order dated 20.06.2022 passed in Cr. Misc. No.44076 of 2021.

Learned counsel for the State opposes the prayer for bail but simultaneously accept that there is no eye witness of this event. He further submits that charge has already been framed and 5 prosecution witnesses have also examined.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad P.S. Case No. 21 of

2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of their bail bonds.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioners.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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