

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56124 of 2021

Arising Out of PS. Case No.-37 Year-2020 Thana- SONBERSA District- Saharsa

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Kailash Paswan @ Kailu Paswan Son of Kamleshwari Paswan Resident of
Village- Barahi, P.S.- Sonbersa Raj (Kashnagar O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh

For the Opposite Party/s : Mr.Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Sonbarsa Raj P.S.Case No. 37 of 2020 for the offences
punishable under Sections 302/34 of the Indian Penal Code.

As per prosecution case, younger brother of the
informant went the market for purchasing a cow but he did not
return till night and when the next morning search was made the
dead body of his younger brother was found lying in the mango
tree.

Learned counsel for the petitioner submits that F.I.R
was instituted against four to five unknown persons and during



course of investigation, the name of the petitioner has been implicated in this case only on the basis of suspicion and that too, on account of land dispute. Learned counsel for the petitioner drawn attention to this Court towards the impugned order wherein it appears that the deceased was not seen with this petitioner and the independent witnesses also supported the innocence of this petitioner. Petitioner has got clean incident and he is in custody since 25.11.2020.

The learned A.P.P opposed the prayer for bail of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that except suspicion there is no other material against the petitioner and independent witnesses not supported the prosecution case, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Saharsa in connection with Sonbersa Raj P.S.Case No.37 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



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