

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58080 of 2021

Arising Out of PS. Case No.-124 Year-2021 Thana- SABAUR District- Bhagalpur

Gurudev Paswan Son of Suresh Paswan Resident of Village - Chandheri, P.S.
- Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61062 of 2021

Arising Out of PS. Case No.-124 Year-2021 Thana- SABAUR District- Bhagalpur

Santa Paswan @ Sorath Paswan S/O Late Saryug Paswan R/O Village-
Chandheri, P.S.-Sabour, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58080 of 2021)

For the Petitioner/s : Mr. Dharendra Nath Jha, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 61062 of 2021)

For the Petitioner/s : Mr.Chandrasekhar Sharma, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, App

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-05-2022 Let the defects, if any, be removed within four weeks
from today.

With the consent of the parties, both the applications
are being heard together and disposed of by this common order.

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



Petitioners seek bail in a case registered in connection with Sabour P.S.Case No. 124 of 2021 for the offences punishable under Sections 302/34 the Indian Penal Code.

As per the prosecution case, it is alleged that on 07.05.2021 at about 7 pm, all the FIR named accused persons including these two petitioners came to the house of the informant and thereafter all of them went together along with husband of the informant. It is further alleged that on next day about 5 am, the villagers informed the informant that one person is lying dead near Rajpur Masjid thereafter, the informant went there and found the dead body of her husband.

It is submitted by the learned counsel for the petitioner that there is no eye witness to the alleged occurrence and except the last seen theory, there is no material which suggest the complicity of these petitioners. It is further submitted that during course of the investigation, it has come that all the accused persons along with these petitioners used to sit together regularly and had a good relationship between them. There is no reason or any motive assigned in killing of the deceased. It is next submitted that the place where the dead body of the deceased has been recovered, wherein a black colour bag containing pressure cooker, bicycle or gas cylinder



has been found from possession of the dead body. It is further submitted that there is no other material which has come during the course of investigation and none of the witnesses has stated that these petitioners have participated in killing of the deceased, except the allegation of last seen, there is no material against these petitioners. It is lastly submitted that these petitioners have absolutely clean antecedent and infact they are daily wages workers.

On the other hand, learned counsel for the State opposed the bail application of the petitioners and submits that these petitioners along with other co-accused persons had taken away the deceased in the evening and on the next day his dead body was found near Rajpur Masjid.

Having heard the rival contentions of the parties and taking into consideration the fact that, except the circumstantial evidence, there is no other material which suggest the complicity of these petitioners. Moreover, both the petitioners are in custody for about a year and the investigation has already been completed and the charge sheet has been submitted in this case, let the petitioners, 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 Additional Sessions Judge-IX, Bhagalpur in connection with Sabour P.S. Case No. 124 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 shall 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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