

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53721 of 2022

Arising Out of PS. Case No.-201 Year-2020 Thana- BARGAINIA District- Sitamarhi

1. Chandan Paswan, Son of Late Dinkar Paswan, Resident of Village - Masha Alam, Ward No.18, (Punarwas Bhakurahar), P.S.- Bairgania, Distt.- Sitamarhi.
2. Nandan Paswan, Son of Late Dinkar Paswan, Resident of Village - Masha Alam, Ward No.18, (Punarwas Bhakurahar), P.S.- Bairgania, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 23-12-2022 This matter has been listed today for consideration
through Video Conferencing.

Learned counsel for the petitioners are permitted to
remove the defect/(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek regular bail in connection with
Bairgania Police Station Case No. 201/2020 for the offence
punishable under Sections 302, 201/34 of the Indian Penal
Code.

The prosecution case in brief is that 14 named
accused persons had taken the brother of informant alongwith



them for discussion about the election and on next date in the morning there was 'hulla', in the village that brother of the informant has been murdered and his dead body has been thrown out in Baswari of Nathuni Sah. The informant suspected that they have killed his brother.

Learned counsel for the petitioners submits that 14 persons have been named in the F.I.R. with general allegation. It is submitted that there is no eye witness and merely on the suspicion the petitioners have been made accused in this case and they have got no criminal antecedents. The petitioners have himself surrendered before the Court below and are in custody since 05.08.2022. The chargesheet has already been submitted in this case. Further, it is submitted that other similarly situated co-accused persons have been granted regular bail by the Co-ordinate Bench of this Court such as Cr. Misc. No.37761 of 2021 on 28.02.2022, Cr. Misc. No. 11807 of 2022 on 26.05.2022 and Cr. Misc. No. 8430 of 2022 on 25.07.2022.

Learned A.P.P. opposed the bail of the petition.

Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction



of learned Additional Chief Judicial Magistrate I., Sitamarhi in connection with Bairgania P.S. Case No. 201 of 2020, subject to the following conditions.

(i) Petitioners shall cooperate in the trial and shall be physically present on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court Below.

(ii) If the petitioners tampers with the evidence or the witness, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(Sunil Dutta Mishra, J)

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