

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53376 of 2021

Arising Out of PS. Case No.-250 Year-2021 Thana- LAKHISARAI District- Lakhisarai

1. Gholtu Kumar @ Mintu Kumar Son of Ram Kumar Paswan @ Bodhu Resident of Village- Aure, P.S.- Ramgarh Chowk, District- Lakhisarai.
2. Rohit Kumar Son of Ram Kumar Paswan @ Bodhu Resident of Village- Aure, P.S.- Ramgarh Chowk, District- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68732 of 2021

Arising Out of PS. Case No.-250 Year-2021 Thana- LAKHISARAI District- Lakhisarai

Sanjay Paswan Son Of- Late Haro Paswan Resident Of Village - Aure, P.S. - Ramgarh Chowk, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 2388 of 2022

Arising Out of PS. Case No.-250 Year-2021 Thana- LAKHISARAI District- Lakhisarai

Santosh Kumar @ Santosh Paswan Son Of Late Ramchndra Paswan R/O Village- Orey, P.S.- Lakhisarai (ramgarh Chowk), District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22471 of 2022

Arising Out of PS. Case No.-250 Year-2021 Thana- LAKHISARAI District- Lakhisarai

Ramkumar Paswan @ Baudhu Son Of Late Ramchandra Paswan Resident Of Village - Aure, P.S.- Ramgarh Chowk, District - Lakhisarai.

... .. Petitioner/s



Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53376 of 2021)

For the Petitioner/s : Mr.Mayank Bilochan

For the Opposite Party/s : Mr.A.G.

(In CRIMINAL MISCELLANEOUS No. 68732 of 2021)

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Umanath Mishra

(In CRIMINAL MISCELLANEOUS No. 2388 of 2022)

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

(In CRIMINAL MISCELLANEOUS No. 22471 of 2022)

For the Petitioner/s : Mr.Mayank Bilochan

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 23-08-2022 With the consent of learned counsels for the petitioners as well as learned Additional Public Prosecutor for the State. All the four cases are being heard together and disposed of by this common order .

Petitioners seek bail in a case registered in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No. 250 of 2021 for the offences punishable under Sections 302/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 23.04.2021 at about 3-4 p.m some altercation have taken place between the husband of the informant and the villagers Sanjay Paswan with regard to previous litigation. It is further alleged that on the same day at about 10.30 p.m the husband of the informant, after having dinner went outside his house , in the meantime, all the accused persons including the petitioners surrounded her husband



and brutally assaulted with lathi and khanti resulting into his death.

Learned counsel for the petitioners submits that from the tenor of the FIR, it is evident that the informant is not an eye witness to the alleged occurrence as admittedly the occurrence took place near the pond which is at some distance of the house of the informant. It is further submitted that the prosecution case to the extent whereby, it is alleged that the police has taken the deceased to the hospital in the night and he died during the course of treatment also falsify from perusal of the FIR as it would suggest that the first information has been received, at about 9.15 p.m on 24.04.2021. It is also submitted that during the course of investigation none of the independent witnesses has come forward to claim himself to be an eye witness to the alleged occurrence. It is further submitted that only the petitioners being some how related to co-accused Sanjay Paswan, their names have been implicated in this case. Moreover, the petitioners are in custody for about one year, except one of the petitioner namely, Ram Kumar Paswan @ Baudhu, who is in custody since 17.09.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioners and submits that there is specific allegation against all the petitioners that they have surrounded the husband of the informant and brutally assaulted by means of Lathi and Khanti and the fact also corroborated by the post mortem report. It is next submitted that during the course of investigation ample



materials has come suggesting the complicity of the petitioners.

Learned counsel for the informant vehemently opposed the bail and submits that as to how informant's husband was surrounded and assaulted by the petitioners resulting into his death. It is further submitted that the case has been committed to the court of session.

Having heard the rival contentions of the parties and taking into consideration the general and omnibus nature of allegation against the petitioners, apart from the fact that the informant is not an eye witness to the alleged occurrence and moreover, the petitioners having fair antecedent and are in custody for about one year and the investigation of the crime is already completed and the charge sheet has been submitted, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge Lakhisarai in connection with Lakhisarai Ramgrah Chowk P.S. Case No. 250 pf 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 will 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.

(v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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