

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69760 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- BAHADURPUR District- Darbhanga

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ROHIT PASWAN Son of Rajo Paswan @ Budur Paswan Resident of Village
- Kamalpur, P.S.- Bahadurpur (Fekla O.P.), District - Darbhanga, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Shama Sinha, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-03-2022 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 302/120B of the Indian Penal Code.

As per the prosecution case, in the night petitioner and co-accused Roht Paswan went to the house of the informant and on their persuasion, informant's brother went with them to see Orchestra programme organized at nearby place . At about 3 am, informant received information that all the FIR named accused persons including the petitioner and some unknown persons pulled his brother down from the stage, assaulted him and jumped on his stomach and chest as result of which his brother died on the spot.



Learned counsel for the petitioner submits that the informant is neither the eye witness of the occurrence nor has he disclosed name of the person from whom he got the information regarding involvement of the petitioner in the alleged offence. It is further submitted that informant's brother had in fact consumed too much alcohol and was out of control and so he fell down from the stage on the hard surface and died. Post mortem report reveals that there was no external injury on the part of the deceased and the doctor has found alcohol in the stomach. Petitioner has been implicated in this case only on the basis of suspicion and apart from this, no other incriminating material has been collected against him during course of investigation. Petitioner is in custody since 14.8.2021 and investigation is complete. Similarly situated co-accused has already been allowed bail by this Court vide order passed in Cr.Misc.No. 1974/2021.

Considering the rival submissions of the parties and the materials on record, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge V, Darbhanga in Bahadurpur (Fekla OP) Police Station Case No.



105 of 2020/ CRI No. 618 of 2020/ Sessions Trial No. 288 of
2021.

(Prabhat Kumar Singh, J)

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