

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.488 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

1. Pramod Paswan, Son of Late Mukhdeo Paswan, Resident of Village- Lodhi Baraon, P.S.- Sasaram (M), District- Rohtas.
2. Vinod Paswan, Son of Late Mukhdeo Paswan, Resident of Village- Lodhi Baraon, P.S.- Sasaram (M), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 18-10-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Sasaram P.S. Case No. 265 of 2021 registered
for the alleged offences under Sections 302, 201 and 34 of the
Indian Penal Code.

As per prosecution case, the dead body of the father of
the informant was found lying near a canal. The informant
named the petitioners who had earlier threatened the informant
that they would kill the father of the informant as due to some



evil spirit in the house of the informant, the father of the petitioners died.

The learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case due to previous enmity and grudge. The name of the petitioners came up in the FIR on the basis of statement of the informant who is not an eye-witness. Both the parties are agnates and from the FIR, it is clear that there is quarrel between the parties. It is also clear from the FIR that the informant named the petitioners on the basis of the statement of an unknown woman who disclosed about the occurrence, but during the course of the investigation, that woman did not come to support the prosecution case. Thus, there is nothing against the petitioner except for suspicion in this case. The petitioners are in custody since 10.08.2021 and are having clean antecedent. The charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that there is specific allegation against these petitioners that they caused the death of the father of the informant.

Perused the record.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of any substantive material to connect the petitioners with



the occurrence as alleged and also considering the submission of charge sheet and the period of custody of the petitioners along with their clean antecedent, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, Rohtas in connection with Sasaram(M) P.S. Case No. 265 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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