

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11856 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- RAJPUR District- Rohtas

1. SARITA DEVI Wife of Shambhu Paswan R/v- Nima, P.S.- Rajpur, District- Rohtas
2. SHYAM BIHARI RAM Son of Late Ramraj Ram R/v- Nima, P.S.- Rajpur, District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwari

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek regular bail in connection with Rajpur P.S. Case No. 119 of 2022 registered for the offence under Sections 147, 148, 149, 302, 337, 338, 504 of the IPC and Section 37 of the Bihar Prohibition & Excise Act.

The prosecution story, in brief, is that on the alleged date of occurrence co-accused namely, Rajesh Paswan was abusing her husband in drunken condition. On opposed the accused persons including the petitioners started assaulting the informant's husband. During this incident, co-accused Rajesh Paswan assaulted the informant's husband on his head due to



which he became unconscious and during course of treatment he died.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. From perusal of FIR, general and omnibus allegation leveled against the petitioners whereas, the specific allegation is against Rajesh Paswan who assaulted on the head of the informant's husband due to which he succumbed to injury. Similarly situated co-accused namely, Sugriv Ram has already been granted bail by a co-ordinate Bench of this court vide order dated 3.5.2023 passed in Cr. Misc. No. 8117 of 2021. It is further submitted that the petitioners are languishing in judicial custody since 23.9.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Rajpur P.S. Case No. 119 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Excise Court No.2-Cum-Additional District and Sessions Judge,
Rohtas at Sasaram.

(Sunil Kumar Panwar, J)

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