

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33802 of 2023

Arising Out of PS. Case No.-9 Year-2020 Thana- MUFFASIL District- Aurangabad

Vivek Kumar Son Of Rajendra Paswan Resident Of Village - Pawai, P.S. -
Aurangabad Muffasil, Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with
Aurangabad Mufassil P.S. Case No.9 of 2020 registered for the
offence under Section 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.02.2022.

The allegation as per narration of F.I.R. that on
12.01.2020, son-in-law (since deceased) of the informant, while
participating in the funeral ceremony of his father-in-law
alleged to be dragged by this petitioner alongwith other named
co-accused persons and assaulted mercilessly, causing his death
while being taken to hospital.

Learned counsel appearing on behalf of the petitioner



submitted that allegation against this petitioner is very much general and omnibus without attributing any specific overt act. It is submitted that occurrence took place in the background of some property share, which developed on the occasion of funeral ceremony, where during the course of occurrence son-in-law (since deceased) fell down and died out of injury received thereof. It is also submitted that similarly situated co-accused, namely Rajendra Paswan, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 66745 of 2021 vide order dated 19.04.2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the nature of allegation as regard to assault, which is appearing very much general and omnibus on its face coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 03.02.2022, let above named petitioner is directed to be released on bail in



connection with Aurangabad Mufassil P.S. Case No.9 of 2020
on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)
with two sureties of the like amount each to the satisfaction of
Chief Judicial Magistrate, Aurangabad/concerned court, subject
to the conditions as mentioned under Section 437(3) of the
Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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