

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43940 of 2023

Arising Out of PS. Case No.-211 Year-2022 Thana- NAUBATPUR District- Patna

1. Rajendra Paswan Son of Basant Paswan Resident of Village- Baliyawn, PS- Naubatpur, District- Patna
2. Durga Paswan @ Durga kumar Son of Rajendra Paswan Resident of Village- Baliyawn, PS- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for grant of bail in connection with Nabutpur P.S. Case No. 211 of 2022 registered under sections 341, 323, 337, 338, 307, 325 and 34 of the Indian Penal Code and later on 302 of IPC was added.

Allegation against co-accused persons is that they assaulted the informant by means of iron rod, stone and butt of the pistol due to which he sustained injuries and later on he died during the course of his treatment. It is further alleged that the allegation against these petitioners is that they tied the mouth of the informant.



Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. They have falsely been implicated in this case. It is further submitted that there is no specific overt act of assaulting against these petitioners rather the specific overt act of assaulting due to which the informant succumbed to injuries is against other co-accused persons. There is delay of 12 days in lodging the FIR and also no eye witness of the alleged occurrence. A statement has been made in para-3 of this petition that both the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 11.11.2022.

The application for bail is opposed by learned APP for the State and submitted that the petitioners are named in FIR and also they were present at the place of occurrence. It is further submitted that they tied the mouth of the deceased and during investigation, witnesses supported the prosecution version.

Having heard learned counsel for the parties and considering the facts and circumstances of this case as well as the custody of the petitioners, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Nabutpur P.S. Case



No. 211 of 2022 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-6, Danapur, Patna.

(Sunil Kumar Panwar, J)

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