

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40354 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- NAYA RAM NAGAR District- Munger

1. ABHISHEK KUMAR @ ABSHEK KUMAR S/o Rampravesh Paswan R/o village- Kalarampur, P.S.- Naya Ram Nagar, Distt.- Munger
2. GAGAN PASWAN S/o Rampravesh Paswan R/o village- Kalarampur, P.S.- Naya Ram Nagar, Distt.- Munger

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-01-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with G.R.
No. 957/2021 arising out of Naya Ram Nagar P.S. Case No. 85
of 2021 registered for the offences punishable under Sections
304(B)/34 of the Indian Penal Code.

As per prosecution case, petitioners and others are
alleged to have committed the murder of informant's daughter.

Learned counsel for the petitioners submits that
petitioners are in custody since 24.09.2021 and bear no criminal
antecedent. He further submits that petitioners are dewar of the
deceased and they have falsely been implicated in this case on



account of said reason. He further submits that petitioners have no concern with the family affairs of deceased and her husband. There is no specific allegation against the petitioners rather the same is general and omnibus in nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners by submitting that petitioners have also participated in the alleged occurrence.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, petitioners have no say in the family affairs of the deceased and her husband, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Munger in connection with S.T. No. 28/2022 (G.R. No. 957/2021) arising out of Naya Ram Nagar P.S. Case No. 85 of 2021, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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