

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53508 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- MAIRWAN District- Siwan

Pawan Rajbhar Son of Lalji Rajbhar R/O Village- Lakshmipur, P.S.- Mairwa,
District- Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Mairwan P.S. Case No. 120 of 2021 registered for the offences punishable under Sections 341, 342, 323, 337, 328, 302, 34 of the Indian Penal Code.

As per the prosecution, informant's nephew was assaulted by his villagers including this petitioner and thereafter the informant's nephew was administered with poison as a result of which he died.



The main submissions advanced by the learned counsel Mr. Prashant Kumar for the petitioner are that as per FIR the informant is not stated to be an eye-witness of the alleged occurrence which was alleged to have taken place in an orchard of one namely Binda Lal and two co-accused persons namely, Jai Prakash Chauhan vide order dated 31.03.2022 passed in Cr. Misc. No. 65353 of 2021 and Arvind Chauhan vide order dated 26.05.2022 passed in Cr. Misc. No. 3570 of 2022 who were named in the FIR have been granted bail by a co-ordinate bench of this court and in the FIR any motive on the part of this petitioner to commit the murder of the informant's nephew has not been revealed and the petitioner has fair and clean antecedent and has been languishing in jail since 25.05.2022.

Learned APP Mr. Dashrath Mehta appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly the privilege of bail having been granted to two similarly situated co-accused persons by a co-ordinate bench of this court vide orders passed in above-mentioned criminal miscellaneous cases and also considering the petitioner's custody period and his fair and clean antecedent, in my view a



lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection Mairwan P.S. Case No. 120 of 2021.

(Shailendra Singh, J)

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