

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55296 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- MANIGACHI District- Darbhanga

1. KANHAIYA KUMAR PASWAN @ KANHAIYA PASWAN @ SUSHIL PASWAN S/O GANGESH PASWAN @ GANGESHWAR PASWAN RESIDENT OF VILLAGE- BHIRA TOL RAJWARA (VIRA TOLE RAJWARA), P.S.- MANIGACHHI (NEHRU O.P), DISTRICT- DARBHANGA
2. SUNIL PASWAN S/O GANGESH PASWAN @ GANGESHWAR PASWAN RESIDENT OF VILLAGE- BHIRA TOL RAJWARA (VIRA TOLE RAJWARA), P.S.- MANIGACHHI (NEHRU O.P), DISTRICT- DARBHANGA
3. CHUNCHUN PASWAN @ MUNNA PASWAN S/O GANGESH PASWAN @ GANGESHWAR PASWAN RESIDENT OF VILLAGE- BHIRA TOL RAJWARA (VIRA TOLE RAJWARA), P.S.- MANIGACHHI (NEHRU O.P), DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Advocate Mr. Vikram Dev Singh, Advocate
For the Informant	:	Mr. Nawal Kishore Prasad, Advocate
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 15-03-2023 Learned counsel for the petitioners is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

The petitioners have preferred this application for grant of regular bail in a case registered under section 302 and



201 read with section 34 of the Indian Penal Code.

As per the prosecution case, the informant contracted love marriage with Shiv Kumar Paswan about one year back and started living at the residence of her sister Gulab Devi. The further prosecution case is that on 07.04.2022 when she went to sleep then at 2-3 AM she observed four persons coming in the room and took her husband outside in the wheat field. It is further alleged that the informant followed them and saw that the petitioners and the co-accused committed murder of her husband. On seeing this she got frightened and went to sleep and when she woke up in the morning, she found the dead body of her husband lying beside her.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. Learned counsel has further submitted that the informant has not raised alarm when her husband was taken away by the accused persons from her house. There is a delay of seven days in lodging the FIR. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 07.04.2022.

Learned A.P.P. for the State has opposed the bail



petition of the petitioners.

Considering the aforesaid facts and circumstances as well as the allegation being general and omnibus against the petitioners, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned Darbhanga, in connection with Manigachhi (Nehra O.P.) P.S. Case No. 54 of 2022.

The application stands allowed.

(Chandra Prakash Singh, J)

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