

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30320 of 2024

Arising Out of PS. Case No.-10 Year-2021 Thana- MAHUA District- Vaishali

1.

Jay Shankar Paswan @ Ujala Paswan Son of Raj Kumar Paswan Resident of Village- Mansurpur Milki, P.S.- Mahua, Dist.- Vaishali
2.

Shiv Shankar Paswan Son of Raj Kumar Paswan Resident of Village- Mansurpur Milki, P.S.- Mahua, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar, Adv. Mr. Ashok Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3

10-07-2024

Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with Mahua P.S. Case No. 10 of 2021 dated 04.01.2021, lodged under Sections 366(A)/34 of the I.P.C. and charge-sheet under Sections 366(a)/302/34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against eight named accused persons including the present petitioners.

4. Learned counsel for the petitioners submits that in the F.I.R., the case has been lodged against eight named accused persons and disclosure has been made by other accused persons

that both girls were died in the *Chaur*. He further submits that the name of the petitioners have figured in this case only and only on the basis of suspicion. He further submits that the extreme suspicion has been found against petitioner no. 1 that he has given one mobile to the daughter of the informant and after death, the mobile was recovered from the possession of accused Priyanka Kumari. He further submits that there is absolutely nothing found against the present petitioners. Against petitioner no. 1 at worst, the allegation of providing mobile is there, but against petitioner no. 2, there is absolutely nothing. He further submits that even this allegation has been accepted that he has given mobile, then also it cannot be anticipated that a person has given a mobile has involved with the commission of death of the daughters of the informant. He further submits that antecedent of the petitioners are clean and they are in custody since 08.01.2024. He further submits that other co-accused persons have been granted bail vide order dated 07.06.2023 passed in Cr. Misc. No. 27858 of 2023, order dated 31.01.2024 passed in Cr. Misc. No. 1601 of 2024 and order dated 18.10.2023 passed in Cr. Misc. No. 31313 of 2023.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let petitioner no. 1 be granted bail **(only after framing of charge, if not framed)** on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge-VIth-Cum-Special Judge, POCSO, Vaishali, Hajipur in connection with Mahua P.S. Case No. 10 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for

cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. So far as petitioner no. 2 is concerned, he is directed to be release on bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge-VIth-Cum-Special Judge, POCSO, Vaishali, Hajipur in connection with Mahua P.S. Case No. 10 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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