

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13466 of 2017

Arising Out of PS.Case No. -75 Year- 2016 Thana -PIPRAHI District- SHEOHAR

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1. Sujit Paswan, Son of Late Devendra Paswan, Resident of Village-
Dekuli Dharampur, P.S. Piprahi, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mrs. Smt Usha Kumari No-1

For the informant : Mr. Shailendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

6 19-06-2017

Heard both sides.

The petitioner seeks bail in Piprahi P.S. case No. 75
of 2016 under Section 302/34 of the Indian Penal Code.

The informant, son of the deceased, lodged the case
against unknown for killing of his father, Jai Mangal Paswan by
cutting his neck.

The learned counsel for the petitioner submits that
there is no eye witness of the occurrence. During the course of
investigation, the witnesses have stated that petitioner was saying
that he would kill Jai Mangal Paswan because Jai Mangal Paswan
practiced witchcraft and killed his father, Devendra Paswan. It is
further submitted that thereafter the police arrested the petitioner



and took his confessional statement. According to confessional statement of the petitioner also the petitioner is not the assailant of the deceased. The blood stained weapon, which is said to be used in the killing of deceased, was recovered from the house of Prabhu Paswan.

On the other hand the learned Additional Public Prosecutor as well as the learned counsel for the informant vehemently opposed the prayer for bail and submitted that during the course of investigation the witnesses have stated that it was the petitioner who was telling everybody that he would kill Jai Mangal Paswan as Jai Mangal Paswan is alleged to have practiced witchcraft and killed Devendra Paswan, father of the petitioner. The informant also disclosed the name of the petitioner in paragraph 40 of the case diary but from perusal of the entire case diary it appears that there is no eye witness of the occurrence. During the course of investigation the witnesses have stated that it was the petitioner who was expressing his intention to kill Jai Mangal Paswan but there is no material to show involvement of the petitioner. The petitioner is said to have confessed his guilt. Even in confessional statement of the petitioner the petitioner appears to have disclosed that it was Prabhu Paswan who slit the neck of the deceased, Jai Mangal Paswan, and thereafter blood



stained weapon was recovered from the house of Prabhu Paswan.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner is directed to be enlarged 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 learned Special Judge-cum Additional Sessions Judge, Sheohar in Piprahi P.S. Case No. 75 of 2016.

(Prabhat Kumar Jha, J)

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