

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42589 of 2018

Arising Out of PS.Case No. -249 Year- 2017 Thana -KUMARKHAND District- MADHEPURA

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Ashok Paswan, Son of Ram Chandra Paswan @ Ram Sunder Paswan,
resident of Village- Jamuaha-Bishanpur, P.S.- Kumarkhand, District-
Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Dinesh Prasad Verma, Advocate

For the S t a t e : Mr. Umesh Lal Verma, APP

For the Informant : Mr. Bom Bahadur Jha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 14-08-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State. Learned

counsel for the informant is also present.

The petitioner is in custody since 13.11.2017 in
connection with Kumarkhand P.S. Case No.249 of 2017
registered for the offence under Sections 302, 201 and 120B of
the Indian Penal Code, which is pending in the court of the
learned S.D.J.M., Madhepura.

Learned counsel appearing on behalf of the petitioner
submits that the only allegation against the petitioner is that he
had invited the deceased to his residence and thereafter, the
deceased was found dead. The informant has named this
petitioner only because he had come to his house and taken him



along with himself and the following day the nephew of the informant was found dead and thus, the petitioner is facing prosecution and is languishing in jail. He further submits that another similarly situated co-accused, namely, Ram Sundar Paswan and one Jawahar Paswan have since been extended the privilege of regular bail in Cr.Misc. No.22381 of 2018, vide order dated 17.05.2018, and Cr.Misc. No.34140 of 2018, vide order dated 25.07.2018. Learned counsel for the petitioner thus submits that in view of the fact that the petitioner stands similarly situated, he may be extended the privilege of bail.

Diary in the present case was called for, which has since been received.

Learned counsel for the informant, however, resists the application for bail and submits that there is sufficient material in the case diary to implicate the petitioner as he has actively participated in the occurrence in which the eye-witness to the occurrence had been confined to one place by the petitioner and four persons were responsible for taking away the deceased and killing him. The petitioner is the person who is only responsible for confining the eye-witness and he had actively participated in the occurrence after calling the deceased to the place of occurrence along with one Jawahar



Paswan.

Learned counsel appearing on behalf of the State after referring to the case diary has submitted that the sole eye-witness, namely, Anupam Kumar, has categorically stated in his statement made under Section 164 Cr.P.C. that the petitioner along with Jawahar Paswan had called the deceased away to a particular point and when the deceased reached there, he was handed over to the main assailants, who took away the deceased and killed him and brought him back to the very place of occurrence.

Considering the statement made under Section 164 Cr.P.C., which clearly indicates the role of the present petitioner, I am not inclined to grant regular bail to the petitioner. It is, accordingly, rejected.

However, the trial of the case may be expedited.

(Anjana Mishra, J)

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