

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7409 of 2019

Arising Out of PS. Case No.-234 Year-2018 Thana- KOILWAR District- Bhojpur

SURESH PASWAN, S/o Late Sita Ram Paswan, Resident of Village-
Narbirpur, P.S-Chandi, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
08.08.2018 in a case registered for the offence punishable
under Sections 302/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of
written report of Kripal Paswan submitted to the Station House
Officer, Koilwar Police Station is to the effect that in the
background of a land dispute, the agnates of the informant,
Jitendra Paswan, Sonu Paswan and Suresh Paswan, the
petitioner had a quarrel with the informant and they threatened
him to kill his father and to dispose of his body. It is alleged
that on 11.06.2018, in the morning, the father of the informant
was not at his bed. Thereafter, on 12.06.2018 at about 6.00



P.M., when the informant went to Chandi Police Station to lodge a complaint in this regard, the SHO of the Police Station conveyed him that a dead body has been recovered in Koilwar Police Station area, then the informant identified the dead body of his father through a photo being shown to him by the SHO of the Police Station. Hence, it was suspected that the father of the informant was killed by the accused persons, including the petitioner.

It is submitted by learned counsel for the petitioner that admittedly there is no eye witness to the occurrence and in the background of earlier land dispute, the accusation has been made against the petitioner. It is further stated that for the occurrence of 10.06.2018, the FIR was registered on 12.06.2018 raising suspicion against the petitioner only. It is further submitted that similarly situated co-accused, Jitendra Paswan and Sonu Paswan, have been granted bail by a co-ordinate Bench of this Court vide order dated 31.10.2018, passed in Criminal Miscellaneous No. 57874 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR and the petitioner along with other co-



accused persons prior to the occurrence, had threatened the informant to kill his father.

Considering the accusation based merely on suspicion and from the impugned order which does not suggest that any eye witness count has been recorded by the investigating agency during the investigation and the investigation being concluded, co-accused persons being granted bail by a co-ordinate Bench of this Court, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named 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 learned CJM, Bhojpur at Ara in connection with Koilwar P.S. Case No. 234 of 2018.

(Dinesh Kumar Singh, J)

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