

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8901 of 2020

Arising Out of PS. Case No.-69 Year-2019 Thana- CHIKSAUR District- Nalanda

Raju Kumar @ Ashish Paswan Son of Baijnath Paswan Resident of Village -
Jaiteepur, P.S.- Gaurichak, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Harish Kumar, Advocate
For the State	:	Mr.Anil Prasad Singh, APP
For the Informant	:	Mr. Anil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 18-08-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

The petitioner is languishing in custody since
30.09.2019 in a case registered for the offences punishable
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act, hence, the prayer for bail has been made
through the present application.

The prosecution case as per the written report of
Prabhu Paswan submitted to the Station House Officer,
Chiksaura Police Station is to the effect that on 07.08.2019 at
10.30 A.M., the wife of the informant, Sunaina Devi conveyed



him that the son of the informant has been shot dead at Makraula-Chiksaura road. Thereafter, the informant came from Delhi and cremated his son. It is alleged that the daughter-in-law of the informant, Puja Devi, the wife of the deceased-son of the informant used to go to her parental house without the consent of her husband which was objected by him, as a result, they used to fight very frequently. Hence, the informant raised suspicion that the daughter-in-law might be instrumental in getting his son killed and after cremation on 08.08.2019, the FIR was lodged. The name of the petitioner sprang up on the confession of the wife of the deceased, Puja Devi, who confessed that she was in love with the petitioner and conveyed through phone with regard to movement of her husband just prior to the alleged occurrence. The name of the petitioner also sprang up on the confession of co-accused Ravi Paswan.

It is submitted by learned counsel for the petitioner that there is no eye witness to the occurrence and it is surprising that the son of the informant was shot dead on the road but no case was registered for more than 24 hours and after cremation, the informant has lodged the case. Hence, neither there is any eye witness to the occurrence nor cause of death has been corroborated by any medical opinion. The confession of the co-



accused does not lead to any recovery and only creates suspicion. The investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant and State submit that there is sufficient indication with regard to the involvement of the petitioner in the confession of the wife of the deceased, who conveyed the petitioner with regard to movement of the deceased just prior to his death, hence, there is sufficient circumstantial evidence to suggest the complicity of the petitioner.

Considering the suspicious nature of accusation and the fact that the investigation has already been concluded, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Chiksaura P.S. Case No. 69 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the



bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Chiksaura P.S. Case No. 69 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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