

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15269 of 2020

Arising Out of PS. Case No.-324 Year-2018 Thana- WAJIRGANJ District- Gaya

VIKAS KUMAR @ VIKAS PASWAN Son of Sri Sita Ram Paswan Resident
of Village - Aropur, P.O.- Amithi, P.S.- Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Prasad, Adv.

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-10-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Wazirganj P.S.
Case No.324 of 2018 registered under Sections 302, 201 and 34
of the Indian Penal Code.

The informant, father-in-law of the deceased, alleged
that his son-in-law was living with his wife and the children and
his son-in-law was driving auto rickshaw. On 09.10.2018, his
son-in-law and other auto rickshaw drivers namely, Jogi @
Pawan and Ram Pravesh Paswan went to brick-kiln with some
labours. On 10.10.2018, he got information about the recovery
of dead body of his son-in-law. The informant suspected that the
petitioner and other accused persons had some verbal altercation
for getting the passengers on the auto rickshaw killed his son-in-
law.



The learned counsel for the petitioner submits that the informant is not an eye witness of the occurrence. The informant and other family members including the wife of the deceased raised only suspicion against the petitioner. Petitioner of course happens to be the brother of Ram Pravesh Paswan but from perusal of the entire case diary, it would appear that there is no semblance of evidence to show the involvement of the petitioner in killing of the deceased. Save and except the suspicion, that too without any basis, the petitioner has been implicated in the case.

Learned A.P.P. however opposed the prayer for anticipatory bail.

Perused the F.I.R. and the case diary. The informant of course named the petitioner and alleged that the petitioner and other auto rickshaw drivers have verbal altercation with his son-in-law and for that they might have killed his son-in-law but the informant is not an eye witness of the occurrence. Save and except the family members of the informant, there is no other witness. None of the family members of the deceased witnessed the occurrence and they raised only suspicion against the petitioner. On the basis of such suspicion, the investigating officer took one of the accused on remand but could not be able



to extract any tangible evidence. On mere suspicion, the investigating officer appears to have submitted chargesheet.

Taking into consideration the facts aforesaid and the fact that save and except the suspicion there is no tangible material against the petitioner, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks 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 the learned A.C.J.M. 1st, Gaya/concerned court/successor court in connection with Wazirganj P.S. Case No.324 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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