

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76274 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- FULKAHA District- Araria

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PANKAJ KUMAR PASWAN @ PANKAJ PASWAN Son of Bikru Paswan
Resident of Village-Madhura North, P.S.-Fulkaha, District-Araria.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Ramesh Kumar Singh, Advocate.
For the State : Mr. Ashok Kumar Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 26-06-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through Video Conferencing.

The petitioner seeks bail in connection with Fulkaha
P.S. Case No.03 of 2019 registered under Sections 302/34 of the
Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that on 04.01.2019, in course of
patrolling duty, the informant along with other police personnel
received information about sustaining injury through gunshot by
the daughter-in-law of Bikru Paswan in village-Madhura North.
Thereafter, the informant along with other police personnel went
there. The ladies present there disclosed that Kavita Devi, the
daughter-in-law of Bikru Paswan, died due to falling near the
hand-pump but on seeing her dead body, one gunshot injury was



found near her right eye. On query, the informant came to know that Pankaj Kumar Paswan (petitioner) and Sanoj Paswan, who are husband and brother-in-law respectively of Kavita Devi, shot fire at her and fled away from there. It also came in the knowledge of the informant that Bikru Paswan and his relatives are criminals and, at present, Bikru Paswan, is in jail at Nepal.

Learned counsel appearing on behalf of the petitioner submits that, admittedly, the petitioner is the husband of the deceased Kavita Devi. The petitioner and his brother have falsely been implicated in this case by the police on recording the confessional statement of the petitioner having their hand in committing the alleged crime. In fact, some men came near the house of the petitioner and fired in which Kavita Devi, the wife of the petitioner, who was present at the hand pump to take the water, sustained injury and died. While on investigation, the police has already submitted the chargesheet, as appears from the case diary, but not a single independent witness has supported the prosecution case. The petitioner is in custody since 26.05.2019.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of Sri Amit Baivab, Judicial Magistrate, First Class, Araria, in connection with Fulkaha P.S. Case No.03 of 2019. Out of the two sureties, one must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

P.S./-

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