

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14685 of 2021**

Arising Out of PS. Case No.-123 Year-2020 Thana- RUPAULI District- Purnia

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BABU LAL PASWAN, Son of Mahadeo Paswan, Resident of Village -
Navtolia, P.S. - Rupauli, District - Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Shailendra Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Rupauli (Mohanpur) P.S. Case No. 123 of 2020

registered for the offence punishable under Section 364/120B/34

of the Indian Penal Code. He is in custody since 23.09.2020.

The petitioner has got no criminal antecedent.

As per the prosecution story, the deceased had

solemnized a love marriage with the informant who happens to

be a member of scheduled caste. They were though earlier living

at Delhi but after the husband of the informant fell seriously ill and was not able to recover from illness, they came back to live in the parents house with the children. It is alleged that the father-in-law, mother-in-law and others were pressurizing her husband to break the relationship with the informant and her children so that they can solemnize another marriage of the deceased. Her husband was not ready for that and for this reason there were discontent between her husband and the in-laws. It is alleged that on 08.08.2020 at about 8.00 A.M. her husband left the house by saying that he is going with Babu Lal Paswan (petitioner) and will come back at the earliest. At 9.00 P.M. the informant contacted him from the mobile of her neighbour whereupon her husband told her that he is alright and with Babu Lal Paswan, thereafter his mobile phone went switched off.

Learned counsel further submits that the petitioner has been involved in this case on mere suspicion and the father-in-law of the informant against whom also suspicion was raised has been granted bail in Cr. Misc. No. 3308 of 2021.

Mr. Shailendra Kumar, learned A.P.P. for the State has taken this Court through the materials collected in course of investigation. The statements of independent witness Kavita Devi as contained in paragraph '43' has been placed before this

Court. The said witness has stated that on the night of 08.08.2020 the deceased had taken meal in her house with Babu Lal Paswan and two other persons, thereafter she asked them to stay in the night because it was late in night but they said that they are on a four wheeler so they can go. They had gone through the Jangal Tola. The statement of the wife of the victim is recorded in paragraph '32' and the statement of independent witness Yogendra from whose mobile the informant had talked to her husband is recorded in paragraph '89'. Paragraph '82' of the case diary is with regard to CDR analysis. The father-in-law of the informant whose statement is recorded in paragraph '18' has made self incriminating statement wherein he has stated that because of the differences with his son he wanted to get rid of him and for that purpose he had given rupees one lac to this petitioner to somehow remove his son from his life.

Learned A.P.P. thus submits that there are strong substantial materials and self incriminating statement of the father of the victim which are indicating towards involvement of the petitioner.

Having regard to the facts and circumstances of the case, the gravity of the offence alleged and the fact that the victim boy is still missing and the materials in the case diary are

indicating towards the involvement of this petitioner, this Court is not inclined to release the petitioner on bail. Prayer for bail of the petitioner is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.