

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15077 of 2021**

Arising Out of PS. Case No.-102 Year-2017 Thana- MUZAFFARPUR SADAR District-  
Muzaffarpur

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Babloo Kumar Paswan, Son of Sri Raj Kumar Paswan, Resident of Village -  
Susta , P.S.- Sadar, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar @ S.K, Advocate.  
For the Opposite Party/s : Md. Mustaque Alam, APP

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**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR**  
**ORAL ORDER**

4      22-11-2021                      The applicant/accused in Crime No. 102 of 2017 registered with Muzaffarpur (Sadar) Police Station for the offence punishable under Section 302 read with 34 of the Indian Penal Code at the instance of the first informant Rabindra Paswan (Munna) by this application is seeking his release on bail during the pendency of the trial after filing of the charge sheet.

Heard the learned counsel appearing for the applicant/accused. He submits that the applicant is not having any criminal antecedent and he has never applied for bail to this Court. It is further argued that this is a case wherein there are no circumstances to infer prima facie case against the applicant. According to the applicant, there is no eye witness to



the incident in question. He drew my attention to the charge sheet.

The learned Additional Public Prosecutor opposed the bail application by contending that Investigating Officer has found material against the applicant/accused to infer his complicity in the crime in question.

I have considered the submissions so advanced.

Rupa Devi (since deceased), after death of her husband was staying with her in-laws at village Susta. It is case of the prosecution that the applicant along with co-accused Arun Paswan were having evil eyes on this widow and they were attempting to outrage her modesty time and again. On 20.02.2017, both these accused persons along with other accused trespass the house of the deceased Rupa Devi (since deceased) and threw her household articles. On 26.02.2017 there was Panchayat for resolving this dispute. The Panchayat warned the accused persons. Hence all nine accused persons entered in the house of Rupa Devi (since deceased) and murdered her.

Report of the postmortem examination of Rupa Devi (since deceased) shows that she died because of asphyxia caused by anti mortem strangulation.



Neither the applicant nor the learned Additional Prosecutor could point out any eye witness to the incident from the case diary.

Perusal of the case diary shows that in-laws of the deceased, namely, Surendra Paswan and Sakuntla Devi have stated to the Investigating Officer that they were not present in the house at the time of incident. The first informant is also not an eye witness to the incident in question.

The applicant is behind the bars since 31.05.2020.

Considering the nature of evidence against the applicant as well as the fact that the Investigation of the crime in question is over and therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 102 of 2017 registered with Muzaffarpur (Sadar) Police Station for the offence punishable under Section 302 read with 34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with



the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial in expeditious disposal of the trial against him.

Bhardwaj/-

**(A. M. Badar, J)**

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