

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20993 of 2021

Arising Out of PS. Case No.-160 Year-2020 Thana- NAVINAGAR District- Aurangabad

Kamesh Paswan @ Kameshwar Paswan @ Kameshwar Ram, S/O Late
Yugeshwar Paswan @ Bhugeshwar Paswan, R/o village- Naur, P.S.-
Nabinagar, District- Aurangabad (Bihar)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate

Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-11-2021 Heard Mr. Krishna Prasad Singh, learned Senior

Counsel assisted by Mr. Bhaskar Shankar, learned Advocate for
the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the
State.

Petitioner, in the present case, is seeking regular bail
in connection with Nabinagar P.S. Case No. 160 of 2020
registered for the offences punishable under Section 302/34 of
the Indian Penal Code . He is in custody since 18.11.2020
having no criminal antecedent as stated in paragraph '3' of the
application.

Learned counsel for the petitioner submits that prior
to the lodgment of the present F.I.R. one unnatural death (U.D.)
case bearing No. 07/2020 was lodged on 27.06.2020 on the
basis of statement of one Rajendra Sharma. In the U.D. case it is



stated that the son of said Rajendra Sharma was working as a labourer and on 25.06.2020 he went to the house of the petitioner and stayed there at night. On 26.06.2020 one Guddu Ram left the deceased to his house on his motorcycle, and according to Guddu Ram, he was asked to drop the son of the informant in his house by this petitioner and his brother-in-law Bihari Paswan. They informed said Guddu Ram that the son of the informant was ill and therefore he should be dropped to his house. It is thereafter stated in the U.D. case that the son of the informant became unconscious after reaching the house whereafter he was taken to Magadh Hospital, Nabinagar but no improvement took place in his health condition despite treatment 6-7 hours. Thereafter, the son of the informant was taken to Narayan Medical College & Hospital, Jamuhar where in course of his treatment he died on 27.06.2020.

Learned Senior Counsel submits that later on after about one month on the basis of materials collected in course of investigation by the I.O. the present F.I.R. has been lodged in which it is alleged that in course of investigation it has been found that the five named accused persons had hatched a conspiracy and they had injured the son of the informant whereafter in course of his treatment he died.



Learned Senior Counsel for the petitioner submits that in course of investigation no material has come that this petitioner was indulged in hatching any conspiracy against the son of the informant, moreover no motive has been found against the petitioner and it is nothing but a case of false implication.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but at the same time submits after going through the case diary that the main allegations are against co-accused Bajrangi Paswan and Mithun Paswan.

Having regard to the facts and circumstances of the case and the stand taken by learned A.P.P. after going through the case diary, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 1st, Aurangabad, in connection with Nabinagar P.S. Case No. 160 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage



it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

