

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25760 of 2021

Arising Out of PS. Case No.-361 Year-2020 Thana- ARWAL District- Jehanabad

Raju Paswan, son of Vijay Paswan, resident of Village - Muradpur Huzra
Baidrabad, P.S.- Arwal, Distt.- Arwal.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Meena Singh- Advocate Mr. Bhaskar Shankar- Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-12-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Arwal P.
S. Case No. 361 of 2020, instituted for the offences under
Sections 302, 380, 511 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 30.10.2020, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that the informant in the F.I.R. alleges that on 28.10.2020 in the
night at about 9.00 P.M. while the family members were
sleeping, he heard his wife shouting a thief and when he came



out of the room and saw that a thief was trying to flee by scaling the wall. Accordingly, it is alleged that the informant and his family members caught hold of his leg, when the thief with a view to get free began to assault and caught hold of the neck of the wife of the informant and pulled her with force on the ground as a result of which, she died. It is further alleged that on hulla being raised, the villagers gathered and the thief was caught, who disclosed his name as the petitioner.

The learned counsel for the petitioner vehemently argues that admittedly, from perusal of the allegation in the F.I.R., it would manifest that this petitioner is alleged to have committed theft and was fleeing and while fleeing when he was caught in order to save himself, he pulled the wife of the informant by her neck and threw her down. The learned counsel submits that it was not the intention of the petitioner to kill the deceased rather it was an attempt to flee, as such, he committed the act. Learned counsel, thus, submits that it may be a case of rash and negligent act and the case may fall under Section 304 of the I.P.C.

Learned A.P.P. opposes the bail application, but after perusal of the case diary fairly submits that the I.O. in Para-47 of the case diary has recorded the injury report, no external sign



of violence or assault present, no internal tissue injury. On this, learned counsel for the petitioner submits that from the post mortem report, it seems that the deceased with a view to get the petitioner may have fallen on the ground and the petitioner has been roped with false allegation.

Considering the fact that the petitioner is in custody since 30.10.2020, he is a person with clean antecedent, charge-sheet has been submitted in this case and admittedly, from the F.I.R., it would manifest that the act of the petitioner was rash and negligent without any intention to commit the occurrence, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Arwal in connection with Arwal P. S. Case No.361 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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