

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39624 of 2020

Arising Out of PS. Case No.-57 Year-2020 Thana- GAMAHARIYA District- Madhepura

Vijay Paswan, Male, aged about 26 years, Son of Hari Lal Paswan, Resident of Village- Kanhua Goreyari Paswan Tola, Ward No. 01, P.S.- Gamhariya, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-04-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Gamhariya P.S. Case No. 57 of 2020 registered for the offences punishable under Sections 302, 341, 147, 148, 149, 323, 324, 379 of the Indian Penal Code.

The prosecution case is that Rupesh Kumar submitted a written report to S.H.O. of Gamhariya Police Station on 22.04.2020 at 3 P.M., stating therein that on 22.04.2020 at 9:45 A.M., he was at his C.S.P. centre and his mother was also sitting there, that time the petitioner and Amerika Devi came there and asked to withdraw Rs.800/-, on that he asked the petitioner to put his thumb on biometric machine, hearing this Vijay Paswan



became angry and said that first he has to give money, thereafter, he will think over it. The informant refused to pay saying that he will be paid according to rule only. The petitioner threatened and went back. At 10 'O' clock by making an unlawful assembly of 8 persons armed with deadly weapon like iron rod, Khanti etc. came there, Hari Lal Paswan ordered and Amerika Devi ordered to kill Ratan Devi. Firstly petitioner and Lal Deo Paswan caught his mother Ratan Devi and started rotating her neck and Hari Lal Paswan assaulted by Khanti on the face of his mother and other accused persons felled him on the ground. They also stolen Rs.30,000/- and assaulted the informant while he was trying to save his mother.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that according to the F.I.R., the motive of murder is said to be 800/- rupees only. For Rs.800/-, nobody commit murder and this cannot be motive for murder. Petitioner is in jail custody since 24.04.2020 and petitioner has got no any criminal antecedent.

I perused the record including the case diary. The postmortem report shows that the death caused by Asphyxia due to strangulation and there is no specific allegation against co-



accused Laldeo Paswan.

Learned counsel for the petitioner further submits that the police has submitted the final report against the co-accused Laldeo Paswan.

In paragraph-117 of the case diary, the police has mentioned that the co-accused Harilal Paswan, Amerika Devi, Laldeo Paswan and Binod Paswan were not found involved in this case and the final form has been submitted against these persons.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail **after framing of charge** on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Madhepura in connection with Gamhariya P.S. Case No. 57 of 2020.

(Anjani Kumar Sharan, J)

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