

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2339 of 2022

Arising Out of PS. Case No.-343 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Rajendra Paswan, Son of Late Ram Gulam Paswan, Resident of Village -
Lagunia Suyrya Kanth, Police Station - Samastipur Muffasil, District -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 04-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Samastipur (Muffasil) P.S. Case No. 343 of
2018 registered for the alleged offences under Sections 302 and
34 of the Indian Penal Code.

As per prosecution case, the informant alleged that the
petitioner along with other co-accused persons with their legs
pressed the neck of the husband of the informant and also assaulted
him with slaps and fists. The husband of the informant died.
The occurrence took place on dispute over some loan amount



which was taken by the mother of the deceased from the petitioner and other co-accused persons.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. This informant was having illicit relationship with one Binod Paswan and for this reason, she was having constant quarrel with her husband and a panchayati was held. The Panchas forbade the informant and her paramour from meeting each other but they were not agreeable to it and the informant and her paramour killed the husband of the informant and falsely implicated the petitioner. The learned counsel further submits that prior to this case, the petitioner has also been made accused in connection with Muffasil P.S. Case No. 211 of 2018 under Sections 323/34, 341, 354, 379, 447 and 504 of the Indian Penal Code by the same informant. The said case was also lodged with allegation that the petitioner and other co-accused persons were demanding the money taken as loan by the brother-in-law of the informant. The mother of the deceased has filed a complaint case before the court of learned A.C.J.M. 2nd, Samastipur making allegation against the informant and that the police was not doing proper investigation in the matter. Even on the facts of the case, it is apparent that the allegations are



general, omnibus and vague against the petitioner and other co-accused persons. There is no specific allegation against the petitioner. Furthermore, the allegation is only of assault by slaps and fists and there is no allegation that there was any attempt over the life of the husband of the informant. It has also been pointed out that as per record, the occurrence took place at 6:15 PM and the dead body was taken to post-mortem and it was conducted at 9:55 PM but the time since death has been mentioned to be 36 hours which appears to be quite surprising and it shows that death has occurred quite long back and information to the police was given after much deliberation and after thought while making the petitioners accused. Considering the aforesaid facts and circumstances, other co-accused persons namely Chandan Paswan and Halindra Paswan have been granted bail by a Coordinate Bench vide order dated 12.03.2019 passed in Cr. Misc.No. 77376 of 2018 another co-accused person Rukmini Devi has been granted anticipatory bail vide order dated 17.09.2018 passed in Cr. Misc. No. 57372 of 2018 by another Coordinate Bench. Charge sheet has been submitted in this case and the petitioner is in custody since 16.09.2021.

Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that



specific allegation has been made against the petitioner and other co-accused persons for causing death of the husband of the informant and witnesses have also supported the prosecution case.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-specific nature of allegation against the petitioner in the background of dispute between the parties and the period of custody and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Vth, Samastipur in connection with Mufassil P.S. Case No. 343 of 2018 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioners will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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