

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24057 of 2022

Arising Out of PS. Case No.-511 Year-2021 Thana- JOGAPATTI District- West Champaran

PHULDEV PASWAN S/o Late Janak Paswan Resident of Village- Bhasurari,
P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-08-2022 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 from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Yogapatti (Sanichari) P.S. Case No. 511 of 2021 registered for the alleged offences under Sections 302, 201 and 34 of the Indian Penal Code.

As per prosecution case, the informant who is a female *chowkidar* gave a written report to the SHO, Sanichari OP, West Champaran about co-accused persons strangulating to death the daughter of co-accused Birendra Paswan and this petitioner and some other co-accused persons helping them in



disposing of the dead body.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is obvious from the FIR that the informant is not an eye witness and she has raised only suspicion about the killing of the daughter of co-accused Birendra Paswan. Moreover, the allegation of killing is against the father and uncle of the deceased and is not against this petitioner. Only allegation against this petitioner is that of assisting the co-accused persons in the disposal of the dead body. The petitioner is a mason and he works in Nepal. Even on the alleged date of occurrence, he was at his working place in Nepal. Charge sheet has been submitted in this case and the petitioner is in custody since 30.11.2021.

Learned APP opposes the prayer for bail of the petitioner submitting that the petitioner is named in the FIR though he concedes that only allegation against this petitioner is that of helping in disposal of the dead body.

Having regard to the submission made hereinabove and considering the nature of allegation and the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Yogapatti (Sanichari) P.S. Case No. 511 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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