

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35145 of 2021

Arising Out of PS. Case No.-8 Year-2020 Thana- KHANPURA District- Samastipur

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AMAN KUMAR PASWAN @ ARUN KUMAR PASWAN S/O MANOJ
PASWAN R/o village- Bhore Jairam, P.S.- Khanpur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Rana Sanjay Kumar Singh, Adv.

Mr.Satya Nand Shukla

Mr. A.L. Pandit

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-03-2022 Heard Mr. Bijay Bhushan Prasad, learned counsel for the petitioner, Mr. Rana Sanjay Kumar Singh, learned counsel for the informant and Mr. Akshay Lal Pandit, learned counsel for the State.

Petitioner seeks regular bail in connection with Khanpur PS Case No. 08 of 2020 registered for the offence under Sections 120 (B), 364 of the IPC and later on Sections 302 & 201 of the IPC were added.

As per the first information report, the co-accused / Raju Kumar Sahni called the son of the informant and took him to the shop of Manoj Paswan, where the co-accused / Manoj



Paswan and the petitioner assaulted his son - Chandan Kumar Sahni (deceased) and since then his son was traceless.

Learned counsel for the petitioner submits that informant is not an eye witness to the occurrence and occurrence has allegedly been taken place on 1-2-2020 but the FIR has been registered after delay of two days on 3-2-2020. He further submits that one co-accused / Raju Kumar Sahni had called the son of the informant (i.e. deceased) and altercation had taken place between the co-accused / Raju Kumar Sahni and deceased regarding payment of price of eggs to the petitioner's father i.e. Manoj Paswan. He further submits that confessional statement of the co-accused / Manoj Paswan (i.e. the father of the petitioner) was recorded in which he has stated that the deceased was assaulted by *phatta* and *baans* (bamboo) but after recovery of the dead body no external injury was found on the body of the deceased and viscera has been kept preserved.

On the other hand, learned counsel for the informant submits that confessional statement of the co-accused / Manoj Paswan, who happens to be the father of the petitioner was recorded and on the basis of confessional statement of Manoj Paswan dead body was recovered from the river "Budhi Gandak". He further submits that during the course of



investigation the statement of eye witnesses have also been recorded and in paragraphs – 30, 31 and 32 eye witnesses have said that the petitioner along with his father were assaulting the deceased and subsequently they heard the noise of throwing something in the river “Budhi Gandak”. He further submits that with regard to external injuries not being found on the body of the deceased submission is that the dead body was recovered from the river “Budhi Gandak” in decomposed condition and marks of external injuries were not visible due to decomposition of the body. He next submits that bail application of the co-accused / Manoj Paswan has been rejected by a Co-ordinate Bench of this court in Cr. Misc. No. 25348 / 2020.

Regard being had to the submissions made by the parties, taking into consideration the statement of eye witnesses and recovery of dead body on the basis of confessional statement of the co-accused (i.e. father of the petitioner), I am satisfied that there is *prima facie* evidence against the petitioner and further considering the fact that bail application of similarly situated co-accused i.e. father of the petitioner has been rejected by a Co-ordinate Bench of this Court, as such, I am not inclined to grant regular bail to the petitioner.

Accordingly, the prayer for grant of regular bail is



rejected.

However, the trial court is directed to expedite the trial.

(Anil Kumar Sinha, J)

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