

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38699 of 2021

Arising Out of PS. Case No.-788 Year-2020 Thana- SARAIYA District- Muzaffarpur

1. SHIVJEE PASWAN Son of Jangbahadur Paswan Resident of Village - Khaira, P.S.- Saraiya (Jaintpur O.P.), District - Muzaffarpur
2. Shatrudhan Paswan Son of Jangbahadur Paswan Resident of Village - Khaira, P.S.- Saraiya (Jaintpur O.P.), District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Indu Kumari Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 25-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners, who are in custody since 07.12.2020, seek regular bail in connection with Saraiya (Jaitpur O.P.) P.S. Case No. 788 of 2020 registered for offences punishable under Section 302/34 of the Indian Penal Code.

Prosecution case in brief is that the sister of the informant Dinanath Prasad was married with one Shivjee Paswan of Village-Khaira, P.S.- Saraiya (Jaitpur O.P.), in the



year 2007 and on 06.12.2020 at about 6.00 p.m. some villagers of his sister's sasural gave information to him on telephone that his sister's in-laws have committed murder of his sister and they have hide the deadbody in the house. On receiving information, the informant side reached at the Sasural of the deceased where he found his sister dead and all the accused persons have left the house. It is also alleged that upon search of house with the help of the villagers, elder brother of the deceased's husband namely Shatrudhan Paswan was found in the backyard of the house, armed with a farsa and other family members were found as traceless. In the F.I.R., Shivji Paswan, Shatrudhan Paswan, Urmila Devi and Jang Bahadur Paswan have been alleged to have actively participated in murder of the deceased.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are quite innocent and have not committed any offence as alleged. They have falsely been implicated in this case due to dirty village politics. He further submits that there is no eye witness to the alleged occurrence. Petitioners are in custody since 07.12.2020 and they have clean antecedent.

Learned A.P.P. has opposed the prayer for grant of bail to the petitioners.



Considering the nature of allegation, having perused the F.I.R., the independent witnesses have supported the allegation made in the F.I.R. in course of investigation. The postmortem report also confirms the fact that due to brutal attack on the upper part of the neck and head, the deceased had died due to hemorrhage and shock as well as the manner in which offence has been committed by the in-laws of the deceased including the husband (Shivjee Paswan) who is the petitioner no.1 and his brother (Shatrudhan Paswan), who is the petitioner no. 2, I am not inclined to enlarge the petitioners on bail at this stage.

However, the learned trial Court is directed to conclude the trial expeditiously/preferably, well within a period of nine months. If no substantial progress takes place in trial, the petitioners, if so advised, may renew their prayer for bail after nine months.

(Purnendu Singh, J)

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