

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31347 of 2022

Arising Out of PS. Case No.-116 Year-2019 Thana- JURAWANPUR District- Vaishali

Biraj Paswan S/o Sakaldeo Paswan Resident of Village- Birpur Panchpariya
Tola, P.S.- Jurawanpur, District- Vaisahli.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-08-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Jurawanpur P.S. Case No. 116 of 2019 registered for the
offences under Sections 147, 148, 149, 302, 341, 504 of the
Indian Penal Code.

As per the allegation the accused persons including
the petitioner assaulted the informant's brother by means of
lathi, danda, fist and slaps and the victim was strangulated to
death by the accused persons and as per the prosecution story a
dispute had occurred in between the children of both the parties



in respect of forest wood “Jungle phus” that was the reason behind the alleged occurrence.

The main submissions advanced by the learned counsel Mr. Shivjee Singh for the petitioner are that the petitioner has clean antecedent, and he has been languishing in jail since 17.02.2022 and in the post-mortem report any external or internal injury has not been found over the body of the deceased while as per the allegation the accused persons including the petitioner are alleged to have brutally assaulted the deceased but the said allegation does not corroborate with the post-mortem report of the deceased and for ascertaining the cause of death the viscera of the deceased has been preserved for chemical analysis. Further submission is that in actual, the deceased was suffering from high fever and abdominal pain due to that he died and thereafter the present case was falsely prepared and against the petitioner there is no specific allegation in the FIR and co-accused persons namely Kari Devi, Suji Devi and Sakal Deo Paswan carrying similar nature of allegation have been granted bail by different benches of this Court vide orders passed in Cr. Misc. No.21936 of 2022 and 33282 of 2021 respectively.

Learned APP Mr. Anant Kumar 1 appearing for the



State has opposed the bail prayer.

In view of above submissions and mainly considering the petitioner's case being similar to the co-accused persons who have been granted the privilege of bail by different benches of this Court vide orders passed in above-mentioned criminal miscellaneous cases hence, a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Jurawanpur P.S. Case No. 116 of 2019, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.



(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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