

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43396 of 2021**

Arising Out of PS. Case No.-1044 Year-2020 Thana- FORBESGANJ District- Araria

JIWANAND PASWAN Son of Nandu Paswan Resident of Village- Tedhi
Mushari, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ramesh Kumar Singh, Advocate
For the informant	:	Mr. Ram Pravesh Kumar, Advocate
For the Opposite Party/s	:	Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 03-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Forbesganj P.S. Case No. 1044 of 2020, for the offence
punishable under Sections 147, 148, 149, 323, 324, 302 and 379
of the Indian Penal Code.

The prosecution case, in brief, is that the husband of
informant has been brutally murdered by the petitioner and
other accused persons named in the F.I.R. There is specific
allegation against Roopchand Mehta and others that they had
tied the informant and killed her husband. The Postmortem



report as well as the independent witnesses have also supported the allegation made in the F.I.R.

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. has been lodged against 18 named accused and 10 unknown accused persons. There is no specific allegation of assault against the petitioner that he has caused the murder of the husband of informant. The allegation made in the F.I.R. is general and omnibus against the petitioner. There is specific allegation against co-accused Roopchand Mehta, who tied the informant. He further submits that petitioner has no criminal antecedent and he is in custody since 19.01.2021.

Sri Ram Pravesh Kumar, learned counsel appearing on behalf of informant submits that petitioner is one of the associates of Roopchand Mehta and there is direct allegation against all the accused persons named in the F.I.R. that they brutally murdered the husband of informant. The said submission of informant is also supported by Smt. Asha Devi, learned A.P.P. for the State, who has also opposed the prayer for grant of bail to the petitioner.

Having heard the parties, perused the F.I.R. it appears that admittedly there is land dispute between the parties. Allegation is that Roopchand Mehta, who along with other



family members tied the informant and thereafter all the accused persons named in the F.I.R. has assaulted the husband of informant, who died on the spot, however, no specific allegation of assault is against the present petitioner.

Considering the nature of accusation made against the petitioner to be general and omnibus in nature, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 1044 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take



steps to cancel his bail bonds.

(Purnendu Singh, J)

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