

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44840 of 2021

Arising Out of PS. Case No.-53 Year-2021 Thana- MAHISHI District- Saharsa

Santosh Paswan @ Santosh Kumar Paswan S/o Lal Bahadur Paswan R/o
village- Belbara, P.S.- Simri Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings..

The petitioner seeks regular bail in connection with
Mahishi P.S. Case No. 53 of 2021 instituted for the offences
under Sections 326, 302 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 24.03.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that
informant (Lakhichan Paswan) alleges that his daughter Pooja
Kumari was married to one Raja Paswan, further her daughter
was being tortured by Raja Paswan and her in-laws for dowry
and on 19.03.2021 there was a *panchayati* also for
reconciliation between the parties for which the informant's son



and his elder son-in-law (petitioner) proceeded at around 8.00 pm to village Majrahi on call made by Raja Paswan. It is next alleged that when they were about to reach the place where they were called, Raja Paswan called the son of the informant and asked him to avoid the meeting. Thereafter the son of the informant along with his elder brother-in-law (petitioner) was returning back then they were accosted by Raja Paswan and his henchmen and the son of the informant was assaulted leading to his death and this petitioner who was accompanying the son of the informant was also assaulted.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant has not raised any suspicion against this petitioner rather he has stated that his son along with this petitioner was going to meet Raja Paswan based on the call made by Raja Paswan. Learned counsel further submits that during the course of investigation Narayan Paswan and Vinod Paswan stated before the police that the occurrence was committed at the instance of this petitioner as he was having an affair with Pooja Kumari, wife of Raja Paswan and thus this petitioner wanted to eliminate his brother-in-law i.e. the son of the informant. Learned counsel submits that the entire story



appears to be palpably absurd for the reason that the petitioner would have killed Raja Paswan instead of his own brother-in-law if he had any affair with Pooja Kumari. Learned counsel submits that this petitioner has been made a scapegoat as Raja Paswan was identified by this petitioner and hence he has been implicated falsely in the present case.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 24.03.2021, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent and that during the course of investigation even the informant has not raised any suspicion against the petitioner, as such the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Saharsa in connection with Mahishi P.S. Case No. 53 of 2021.

(Satyavrat Verma, J)

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