

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.70387 of 2021**

Arising Out of PS. Case No.-295 Year-2021 Thana- GAYA MUFASIL District- Gaya

Niraj Kumar, Son Of Mahesh Paswan, R/O Village- Murkatta Manjhauli, P.S.-  
Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manish Kumar No2, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA  
ORAL ORDER**

3      11-10-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Muffasil P.S. Case No. 295 of 2021 registered  
for the alleged offences under Sections 302, 201 and 34 of the  
Indian Penal Code.

As per prosecution case, dead body of the husband of  
the informant was recovered and she named the brother of the  
deceased and some other persons for being involved in the  
murder of her husband. The name of the petitioner transpired  
during investigation as one of the accused persons who was  
involved in murder of the husband of the informant.



The learned counsel for the petitioner submits the petitioner is not named in the FIR and even the informant in her statement did not take his name as an accused. Learned counsel further submits that the petitioner is the own brother-in-law of the deceased and there was no motive or reason to kill the husband of the sister. The name of the petitioner transpired in the case and is implicated merely on the basis of a call was made from his mobile number to the mobile phone of the deceased but the said call was made three hours prior to the time when the deceased left his house. Moreover, such call is quite natural. Further the story of recovery of a slipper is not believable that one of the slippers fell down 600 square yards away and one fell from the dead body just two meters away. It shows the police has made the petitioner scape-goat. No one has seen the petitioner with the deceased and the confessional statement does not make any sense as the petitioner was always present with the police and the family members of the informant. Even in the confessional statement the allegation of strangulating the husband of the informant is on two co-accused persons but the said confessional statement has no evidentiary value in the eyes of law. The petitioner is in custody since 06.07.2021 and the charge-sheet has been submitted in this case.



The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner was apprehended on the basis of his call detail and at the instance of this petitioner a slipper of the deceased was recovered.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the remoteness and doubtful character of the material stating to be connecting the petitioner with the offence as alleged and further considering the clean antecedent of the petitioner and his period of custody along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 295 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates  
or in violation of the terms of the bail, the bail  
bond of the petitioner will be liable to be  
cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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