

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2124 of 2023

Arising Out of PS. Case No.-523 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

=====

Durgesh Kumar Paswan @ Durgesh S/O Bindeshwari Paswan Resident Of
Village- Nilkanthnagar, P.S.- Ishakchak, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf
For the Opposite Party/s : Mr.Rajendra Nath Jha

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 24-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 302 and 34 of the
Indian Penal Code.

3. As per prosecution case, an unknown persons
informed the informant that pursuant to a road accident, her
husband has been admitted to Mayaganj Hospital, Bhagalpur.
Thereafter, the informant along with her family members rushed
to hospital and there she found the dead body of her husband. It
is further alleged that the informant suspects and named the
accused persons have killed her husband either by means of
stick/rod or by hitting a vehicle.



4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to old dispute. He has committed no offence. Informant is not an eye-witness of the occurrence. During investigation, the name of the petitioner has come into light, on the basis of suspicion and confessional statement of co-accused Golu Kumar, which has got no evidentiary value in the eyes of law. There is no consistent evidence and no eye-witness of the alleged occurrence to show that petitioner has involved in the said occurrence. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 18.07.2022.

5. The application for bail is opposed by learned APP for the State and submitted that the petitioner is named in the FIR and the Postmortem report corroborated the prosecution case.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court



below in connection with Bhagalpur Kotwali P.S. Case No. 523
of 2022.

(Sunil Kumar Panwar, J)

arish/-

U		T	
---	--	---	--

