

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39820 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- KHAIRA District- Jamui

BORHAN PASWAN Son of Late Ram Paswan Resident of Village -
Arunmabank, P.S.- Khaira, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar, Advocate
For the Opposite Party/s	:	Mr.Narsingh Tanti, APP
	:	Mr. Umeshanand Pandit, APP
	:	Mr. Uday Pratap Singh, APP
For the informant	:	Mr. Umesh Prasad, Advocate
	:	Mr. Mrityunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-01-2023 Heard the learned counsel for the petitioner, the

learned APP for the State and the learned counsel for the

informant.

The petitioner seeks regular bail in connection
with Khaira PS case no. 325 of 2021 instituted for the
offences punishable under Sections 307 and other allied
sections of the Indian Penal Code.

The petitioner and other accused persons are
alleged to have arrived at the house of the informant on
11.09.2021 at about 8 am, armed with lathi, stick and sharp
tangi, whereafter they had started abusing the informant and
his family members. It is further alleged that one of the co-



accused person namely Khirodhar Paswan and his three sons namely Mukesh Paswan, Rahul Paswan and Golu Paswan @ Ranjan Kumar had given tangi blow, repeatedly on the person of the father of the informant namely Jago Paswan, resulting in him sustaining several cut injuries and ultimately, he died. It is also alleged that the other co-accused persons had also assaulted the informant and his family members, resulting in one Savitri Devi also sustaining injuries.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 16.03.2022. It is further submitted that though the petitioner is an accused in one other case but he is on bail in the said case. The learned counsel for the petitioner has also submitted that the main accusation is against the co-accused person namely Khirodhar Paswan and his three sons, as aforesaid, who are stated to have brutally assaulted the deceased Jago Paswan, resulting in his instant death and as far as the petitioner is concerned, a general and omnibus allegation has been levelled, hence, he cannot be stated to be having any complicity in the alleged occurrence, which also stands corroborated from the materials available in the case diary. In



such view of the matter, it is prayed that a lenient view be taken and the petitioner be granted the privilege of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that as far as the petitioner is concerned, a general and omnibus allegation has been levelled, however, the main allegation of having assaulted and killed the deceased Jago Paswan is against the co-accused person namely Khirodhar Paswan and his three sons namely Mukesh Paswan, Rahul Paswan and Golu Paswan, hence, benefit of doubt can be granted to the petitioner for the purposes of grant of bail, especially since he is languishing in custody since 16.03.2022, having a fair antecedent, as such, I deem it fit and appropriate to direct for release of the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate,
Jamui in connection with Khaira PS case no. 325 of 2021.

It is needless to state that the petitioner shall
appear before the learned court below on each and every date
so fixed in the on-going trial and in the event of any default,
the present privilege of bail being granted to the petitioner
herein, shall stand cancelled automatically and the petitioner
shall be liable to be taken into custody, forthwith.

(Mohit Kumar Shah, J)

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