

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9304 of 2023

Arising Out of PS. Case No.-488 Year-2022 Thana- NAUBATPUR District- Patna

PAWAN PASWAN Son of Baklu Paswan @ Bhagwan Paswan Resident of
Village- Naudiha, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Sharma

For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363, 365 of the Indian Penal Code.

As per prosecution case, the informant alleged that the on 23.7.2022 the petitioner took her son namely Sonu Kumar but he did not return. On inquiry, the petitioner did not give satisfactory reply. It is further alleged that the petitioner is indulged in hatching conspiracy to kill the informant's son in connivance with others.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case on the basis of last seen.



During course of investigation, one Biku kumar disclosed about the skeleton and other articles of the deceased but he has not named the petitioner rather he said other co-accused killed the informant's son and this fact is apparent from vide para 6 of the supplementary affidavit. The alleged occurrence is of 23.7.2022 but the dead body has been recovered after more than ten days on 3.8.2022. It is further submitted that no postmortem was conducted and no any F.S.L. report in respect of the skeleton (bone remains) so, this fact to be determined that the bone remains relates to the victim. Moreover, this case is at best best of last seen and the entire prosecution hinges around merely on suspicion. The petitioner has got no criminal antecedents and languishing in judicial custody since 29.7.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Naubatpur P.S. Case No. 488 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate (VI), Danapur,
Patna.

(Sunil Kumar Panwar, J)

Amandeep/-

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