

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19364 of 2023

Arising Out of PS. Case No.-255 Year-2022 Thana- KAKO District- Jehanabad

1. Sarju Paswan @ Saryu Paswan @ Sarjug Paswan S/O- Late Yadunandan Paswan R/o Village- Hajipur PS- Kako Dist- Jehanabad
2. Krishna Paswan Son of Sarju Paswan @ Saryu Paswan @ Sarjug Paswan R/o Village- Hajipur PS- Kako Dist- Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-06-2023 Heard Mr. Ranjeet Kumar Pandey, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners, who happen to be father-in-law and brother-in-law of the deceased are apprehending their arrest in connection with Kako P.S. Case No. 255 of 2022 registered for the offence punishable under Sections 302, 201/34 of the Indian Penal Code.

Submissions has been made on behalf of the petitioners that in the year 2014 a Complaint Case No. 532 of 2014 was filed before the learned Chief Judicial Magistrate, Jehanabad which was surprisingly sent to the concerned police station after a delay of 8 years under Section 156 (3) of the



Cr.P.C and subsequently the present FIR has been registered on 05.11.2022. He further submits that even as per the allegation levelled in the complaint, it is evident that the marriage was solemnized 15 years prior to the institution of the complaint and though the death of the deceased took place on 31.05.2014, the complaint was registered on 17.06.2014 after a delay of 17 days without any plausible explanation. He further submits that from the wedlock of the deceased and co-accused 'Om Prakash Paswan', 4 children were born out who are living with the petitioners out of which the marriage of two of the daughters were solemnized by the petitioners. He next submits that in fact the deceased died on account of some heart ailment and, thereafter, funeral was conducted in presence of all the family members of the informant and, moreover, after having realized the fact that the name of the petitioners have been implicated on account of some misconception, the parties have compromised the matter.

On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the FIR has been instituted after a delay of 8 years, apart from the fact that even



as per the complaint, there is no specific allegation against the petitioners and the children of the deceased are still residing with the petitioners, let the above named petitioners, be released on bail, in the event of their arrest of surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate - III, Jehanabad in connection with Kako P.S. Case No. 255 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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