

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21311 of 2023

Arising Out of PS. Case No.-51 Year-2022 Thana- ADHAOURA District- Kaimur (Bhabua)

BANARSI PASWAN SON OF LATE CHHOTAYLAL PASWAN
RESIDENT OF VILLAGE - SIKARI, P.S. - ADHAURA, DISTT. - KAIMUR
AT BHABUA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 21.10.2022 in connection with Sessions Trial No. 63 of 2023 arising out of Adhaura P.S. Case No. 51 of 2022, F.I.R. dated 20.10.2022 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of the Arms Act.

Allegation against the petitioner is that he along with other co-accused persons went away the deceased for hunting but he did not return and his dead body was found in the Satidohar forest and country made pistol was also recovered from the agricultural field of the petitioner.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from bare perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 17.10.2022 but the present F.I.R. was instituted on 20.10.2022 after delay of three days without giving explanation of delay. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and there is no eye witness of the alleged occurrence. The petitioner is in custody since 21.10.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the self-confessional statement of the petitioner leading to recovery of the dead body of the deceased and apart from that the used arms also recovered from the agricultural field of the petitioner.

Considering the aforesaid facts and there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Sessions Trial No. 63 of 2023 arising out of Adhaura P.S. Case No. 51 of 2022 pending in the Court of learned Additional Sessions Judge-XI, Kaimur at



Bhabhua.

Prayer is refused.

(Rajesh Kumar Verma, J)

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