

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21764 of 2023

Arising Out of PS. Case No.-23 Year-2018 Thana- PHENHARA District- East Champaran

Sher Paswan @ Kaushal Kishore Paswan, Gender-Male, Aged about 38 years,
Son of Harish Chandra Paswan @ Hari Chandra Paswan Resident of village -
Gaibandhi, P.S.- Phenhara, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Phenhara P.S. Case No. 23 of 2018 dated 13.03.2018, instituted for the offence punishable under Sections 302, 328 and 120B of the Indian Penal Code.

3. As per the prosecution case, the petitioner and co-accused persons are alleged to have killed the informant's son by administering poison under conspiracy. On 10.03.2018, the son of the informant went to his Sasural to bring his wife, where named accused persons under criminal conspiracy committed murdered his son by administering poison.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is also submitted that there is no eye-witness of the



alleged occurrence and the petitioner has been made accused only on the basis of suspicion. Further, it is submitted that the petitioner is brother-in-law of the deceased. Learned counsel for the petitioner further submits that another co-accused, namely, Harish Chandra Paswan and Rainwali Devi have already been granted bail by a Co-ordinate Bench of this Court *vide order dated 22.09.2022* passed in *Criminal Miscellaneous No. 28640 of 2022*. Lastly, it has been submitted that the petitioner is in custody since 16.08.2022 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari in Phenhara P.S. Case No. 23 of 2018.

(Khatim Reza, J)

Gaurav Kumar/-

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