

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25591 of 2023

Arising Out of PS. Case No.-61 Year-2021 Thana- NAGAR District- Vaishali

Mithlesh Paswan @ Mithlesh Kumar Paswan S/O Late Shiv Nath Paswan
Resident of Village- Bag Mali, P.S.- Hajipur Town in the district of Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Hajipur Town P.S. Case No. 61 of 2021 registered on 21.01.2021 for the alleged offences under Sections 302 and 34 of the Indian Penal Code.

3. As per prosecution case, daughter of the informant was married with co-accused Mukesh Paswan ten years back. Allegation of informant is that the petitioner and other co-accused persons assaulted the daughter of the informant with *tangi*, knife and chain and killed her. Petitioner is the brother-in-law of the deceased.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner is living separately from the deceased and her husband and he has got no concern with the family of the deceased. At the time of alleged occurrence, the petitioner was in Punjab where he has working in a private job and there is no eye-witness to the occurrence and allegations against the petitioner are general and omnibus. There is no allegation against this petitioner and he never demanded any money. Learned counsel further submits that in the postmortem report cause of death has not been mentioned and it has been reserved till report of examination of viscera comes. The petitioner is in custody since 01.03.2023 and charge-sheet has been submitted. The petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that petitioner is named with other co-accused persons for killing the daughter of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the petitioner mentioned in the FIR which is not corroborated by the postmortem report and further considering the clean antecedent of the petitioner along with his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on



bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/court concerned in connection with Hajipur Town P.S. Case No. 61 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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