

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26380 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- DARBHANGA District- Darbhanga

SATISH PASWAN Son of Sri Jiwachh Paswan Resident of village -
Laxmisagar Colony, P.S.- Lalit Narayan Mishra University, District -
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K.Sinha, Sr. Advocate Mr. Abhinay Raj, Advocate Mr. Alexander Ashok, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP Mr. Shashank Shekhar, Advocate Mr. Chandan Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 16-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 307, 147, 149, 341, 323, 325, 327, 285, 288, 354 and 436 of the Indian Penal Code to which section 302 of the Indian Penal Code was added later on.

As per the prosecution case, it is stated by the informant that they were residing at the land after constructing a house along with their inmates for the last 40 years. It is stated that Shiv Kumar Jha wanted to forcibly take possession. On previous day he came to the place of occurrence, hurled abuses



and threatening that the informant should vacate the house went away. It is further stated that on the date of occurrence Shiv Kumar Jha along with 40 others came to the place of occurrence along with JCB machine and made an attempt to demolish the house of the informant. On protest by the brother and sister of the informant it is stated that Shiv Kumar Jha poured petrol and burnt them. They were taken to the hospital for treatment.

It is submitted by learned Senior counsel appearing for the petitioner that the petitioner has been falsely implicated in the case. The brother and the sister of the informant having died in course of treatment, section 302 of the Indian Penal Code was added. The petitioner is not named in the FIR. His name transpired in course of investigation in paragraph no.27 of the case diary when coaccused Chhotu took his name. No overt act has been alleged against the petitioner. A protest petition was filed by the informant which has been brought on record as Annexure-2 to the supplementary affidavit and even therein the petitioner has not been named by the informant. The petitioner is in custody since 14.2.2022 and he has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that in course of



investigation the coaccused Chhotu took the name of the petitioner from whom a mobile was recovered and as per the CDR report with respect to the petitioner's mobile, it was found to be near about the place of occurrence. It is further submitted that name of the petitioner already having transpired in course of investigation, there was no occasion for the informant to name the petitioner in the protest petition. There are substantial material against the petitioner of having participated in the occurrence leading to two deaths.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation, the petitioner having remained in custody since 14.2.2022, chargesheet having been submitted in the case and even in the protest petition the petitioner not having been named by the informant, the Court directs the petitioner to be enlarged on bail in connection with Town P.S. Case no. 39 of 2022 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga.

(Partha Sarthy, J)

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