

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29182 of 2022

Arising Out of PS. Case No.-892 Year-2021 Thana- KUDHNI District- Muzaffarpur

1. BIRENDRA PASWAN S/o Ram Ashish Paswan Resident of Village - Sakari Saraiya, P.S. Kudhani (Turki O.P.), District - Muzaffarpur.
2. Deepak Kumar S/o Birendra paswan Resident of Village - Sakari Saraiya, P.S. Kudhani (Turki O.P.), District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

.. ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dhaneshwar Prasad Gupta
For the Opposite Party/s	:	Mr.Ramchandra Singh APP
For the Informant	:	Mr. Krishna Kant Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 03-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The Petitioners are apprehending their arrest in a case registered for the offences punishable u/s 363, 302, 201 read with 34 of the Indian Penal Code.

As per the prosecution case, the informant's nephew along with his staff Chandan Kumar was ready to return to his home. In the meantime, co-accused person Raja Babu and Vikas Kumar came there and started saying, "Let us have a drink wine". The co-accused Raja Babu and Vikas Kumar took Vinay Kumar to an uncultivated



land (parti) and the petitioners and other accused persons were there. Durgesh Kumar had seen all the accused persons riding on motorcycles with the deceased, the other people had also seen them going. Thereafter, all the accused persons including the petitioners committed murder of Vinay Kumar by administrating wine and threw the dead body into the pit filled with water . It is further alleged that the occurrence took place on account of love affair between Vinay Kumar (deceased) and Soni Kumari, daughter of the co-accused Surendra Paswan.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer of anticipatory bail of the petitioners and have submitted that during the investigation, as stated in para 16 of the case diary, Soni Kumari has stated that she had love affair with Vinay Kumar (deceased) but her marriage was fixed with another person. She has further stated that on 03.12.2021 at about 10`o clock Vinay Kumar came to her house to meet her which was objected by her family members and her family members



committed his murder and concealed the evidence and also threatened her. Witness Chandan Kumar has stated that Brajesh Kumar told him that Deepak Kumar, Raja Kumar, Vikas Kumar and Pradeep Kumar were seen with the deceased at 10`o clock. As per the medical report, the head, face, eyes, nose, mouth and upper part of the neck of the deceased were completely wrapped with adhesive tape and the trachea, both lungs and all abdominal viscera of the deceased were congested. The cause of death is asphyxia due to complete obstruction of external air passage. The petitioner No. 1 is the uncle of Soni Kumari and the petitioner no. 2 is her cousin.

Considering the aforesaid facts, circumstances of the case and the heinous nature of allegation, as well as the materials available on record against the petitioners, I am of the view that no case for grant of anticipatory bail is made out. The prayer of anticipatory bail is rejected.

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(Chandra Prakash Singh, J)

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