

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33566 of 2023

Arising Out of PS. Case No.-186 Year-2020 Thana- BIRPUR District- Supaul

1. Krityanand Paswan, S/o Late Ramji Paswan, R/o Village/ Mohalla- Gospurpatti, P.S- Birpur, Distt.- Supaul.
2. Sunil Paswan, S/O Krityanand Paswan, R/O Village/Mohalla- Gospurpatti, P.S- Birpur, Distt.- Supaul.
3. Niranand Paswan @ Nirna Paswan, S/O Chhedi Paswan, R/O Village/Mohalla- Sahejpur, P.S- Birpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Birpur P.S. Case No. 186 of 2020 registered for the alleged offences under Sections 302/120B/34 of the Indian Penal Code.

3. As per prosecution case, the younger brother of the informant, who was a tractor mechanic, went missing after he was called out by co-accused Pappu Paswan. Later on, his dead body was recovered and the informant named the petitioners as well as co-accused Pappu Paswan for being involved in the murder of the brother of the informant.

4. The learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. They have been named in this case merely on suspicion and the allegations are vague. The police investigated the matter and found the involvement of co-accused Pappu Paswan, Sumit Kumar Mehta and Sanjay Sada, who committed the murder in the background of love affair of co-accused Pappu Paswan with the cousin of the deceased. The police did not find any material against the petitioners and did not send them for facing the trial. However, the learned court concerned took cognizance against them on the basis of the statement of the informant and two other witnesses. The learned counsel further submits that however these statements are only reiteration of the written report on which the FIR has been lodged. The learned counsel further submits that apparently the petitioners have been made accused since they are father, brother and agnate of the co-accused Pappu Paswan, but they have no concern with any of his activities.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioners have been named in the FIR for being involved in the murder of the brother of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that during investigation nothing came up against the petitioners who were initially not sent up by the police for facing trial and cognizance against them was taken merely on the allegation and further considering the possibility of false implication, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Birpur, Supaul, in connection with Birpur P.S. Case No. 186 of 2020, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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