

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38222 of 2022

Arising Out of PS. Case No.-366 Year-2020 Thana- KHIJARSARAI District- Gaya

BRAJESH PASWAN SON OF DEO SHARAN PASWAN R/O VILLAGE-
INAYATCHAK, DHANSINGARA, P.S.- MAHKAR, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Nilesh Kumar, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 09-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is in custody since 22.2.2022 and is a person with clean antecedent and the informant alleges that his widow daughter-in-law (deceased) had illicit relation with the petitioner who had kept her in a house situated at Kaith Bigha, Khizersarai. It is next alleged that the deceased used to visit her in-law's house and used to disclose that wife of the petitioner used to torture her, it is further alleged that informant got an



information that petitioner in connivance with his family members and others have killed his daughter-in-law.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that it absolutely does not stand to reason that why the widow daughter-in-law of the informant was not staying with the informant but was staying in a house provided by the petitioner, this amply demonstrates that the relationship between the informant, her family members and deceased was not cordial, as such it also does not appear probable that the deceased would have been coming to meet the informant regularly and disclosing all such facts, as has been alleged in the FIR. It is further submitted that the deceased had gone to the police station for instituting an FIR against the informant and other family members, in which she was helped by the petitioner who was the chowkidar and since she had instituted a case against the family members of her husband as such she was not staying with them rather was staying separately, it is also submitted that during the course of investigation it has also come that after the death of the deceased the informant along with other family members instituted U.D. Case No. 12 of 2020 dated 26.11.2020, on which all the family members signed but



three days thereafter the present FIR came to be instituted on 29.11.2020 which further creates doubt with regard to the veracity of the allegations as alleged in the FIR. The learned counsel next submits that during the course of investigation the statement of the son of the deceased was also recorded at Para-245 of the case diary, wherein he has supported the case of the prosecution as alleged in the FIR by stating that this petitioner had hanged his mother and killed her. The learned counsel thus submits that if what has been stated by the son of the deceased is true it absolutely does not stand to reason why such fact was not brought to the notice of the informant and other family members at the time of instituting the U.D. Case which further creates doubt with regard to the veracity of allegation as alleged in the FIR, it is further submitted that charges have been framed but not a single witness has been examined and the petitioner undertakes to co-operate in the trial and will not abscond.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner, but is not in a position to rebut the submission of the learned counsel for the petitioner that as to why the son of the deceased did not disclose what he disclosed during the course of investigation to the informant at the time of institution of the U.D. Case.



Considering the submission made by the learned counsel for the petitioner, the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khizarsarai P.S. Case No. 366 of 2020.

In the event, if the learned trial court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner, the learned trial court shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bars.

(Satyavrat Verma, J)

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