

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 41019 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- BHAGWANPUR District- Begusarai

1. Sita Devi Wife Of Chamandev Paswan Resident Of Village -Jagdishpur P.S.- Bhagwanpur, Distt- Begusarai.
2. Rahul Kumar Son Of Chamandev Paswan Resident Of Village -Jagdishpur P.S.- Bhagwanpur, Distt- Begusarai.
3. Munna Paswan Son Of Chamandev Paswan Resident Of Village -Jagdishpur P.S.- Bhagwanpur, Distt- Begusarai.
4. Chamandev Paswan Son Of Late Ramdeo Paswan Resident Of Village -Jagdishpur P.S.- Bhagwanpur, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvottam Kumar, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2023 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against four named accused persons and the allegation against them is that they brutally assaulted the informant and her husband and continually beaten them due to which the informant's husband died. The cause of dispute is an old enmity.

4. It is submitted by learned counsel for the petitioners that the petitioners are innocent and have committed no offence. He submits that from the content of the FIR it is clear that the date of occurrence is 08.03.2023 but FIR was lodged on 12.03.2023 and there is no explanation given in the FIR as to why the delay of four days in filing the FIR took place.

5. Counsel further submits that the Sessions Judge, Begusarai at the time of rejecting the bail has acknowledged the paragraph nos. 6 and 7 of the Case Diary, in which it has come that the petitioner Rahul Kumar dashed the father of the informant, due to which fell down and died. Witness no. 7 also indicated that the petitioner dashed the informant's husband, due to which he died. Counsel also submits that in paragraph no.16 it has been acknowledged that the death was caused due to cardiogenic shock.

6. Learned APP for the State opposes the prayer for bail.

7. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond to the

satisfaction of the learned Judicial Magistrate, 1st Class,
Begusarai, in connection with Bhagwanpur P. S. Case No.60 of
2023, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

Ashishsingh/-

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