

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42187 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

SUSHIL PASWAN Son of Late Kalewar Paswan Resident of village-
Premnagar, Ward No. 6, P.S.-Runnisaidpur, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 05-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Runnisaidpur P.S. Case No. 90 of 2023 dated 18.02.2023 registered for the offences punishable u/s 302 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, when the informant and his family members had gone to attend marriage ceremony of the daughter of his brother-in-law. His elder son Hemant Kumar returned back to his home. In the meantime, the petitioner and his wife came to his house and started to abuse his elder brother and mother and threatened to kill. His elder brother Vijay Mahto went to the house of village Chaukidar and



informed about the said occurrence and returned back and saw his mother and family members were weeping. His mother told him that when he had gone to the Chaukidar, the petitioner and his wife again came at the house which was seen by his mother. When the elder brother of the informant entered the house and saw the dead body of his nephew Hemant Kumar was hanging with bamboo of roof of the house. Thereafter, Vijay Mahto informed the informant about the said occurrence.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that the deceased has committed suicide due to his family dispute and after making conspiracy, the incident has been shown as murder in place of suicide. Learned counsel has further submitted that the mother of the informant and all other family members were present at the time of occurrence but they did not raise any alarm and tried to rescue the deceased which creates doubt upon the prosecution case. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has one criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.



6. Considering the aforesaid facts and circumstances of the case as well as finding some merit in the contention of the the counsel for the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Sitamarhi in connection with Runnisaidpur P.S. Case No. 90 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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