

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43464 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Birju Kumar Son Of Shyam Sundar Paswan Resident Of Village - Pahasara,
Ward No.10, P.S.- Nowkoth, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 21-03-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 302, 120(B), 34 of the Indian Penal Code.

It is a case of commission of murder of the

husband of the informant by all the F.I.R named accused

persons including the petitioner.

It is submitted by learned counsel for the

petitioner that petitioner is innocent and he has falsely

been implicated in this case. The informant is not the



eye witness to the occurrence. The informant only alleged that all the F.I.R named accused persons including the petitioner went away along with her husband. Hence, it can best be a case of last seen. Moreover, there is no consistent material evidence against the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. During the course of investigation, not a single independent witness has stated that in his presence or before him, the injured Rajo Pandit disclosed this fact that this petitioner has assaulted him. The petitioner is languishing in custody since 12.02.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that informant has alleged that this petitioner along with other accused persons took away the husband of the informant and thereafter left



the victim in an injured condition.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai in connection with Nowkothi P.S. Case No. 21 of 2022.

(Sunil Kumar Panwar, J)

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