

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48017 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- KAKO District- Jehanabad

1. Kewal Paswan S/O Late Ramkrit Paswan R/O Village- Bharthua, Ps. Kako (Bhelwar O.P.), Dist. Jehanabad
2. Binda Paswan S/O Late Subedar Paswan R/O Village- Bharthua, Ps. Kako (Bhelwar O.P.), Dist. Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate.
For the Informant	:	Mr. Paras Nath, Advocate.
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Heard Mr. Ansul, learned counsel for the petitioners;

Mr. Paras Nath, learned counsel for the informant and learned

APP for the State.

2. The Petitioners are apprehending their arrest in connection with Kako (Bhelawar O.P.) P.S. Case No.58 of 2023, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. Allegedly, while all the accused persons including the petitioners were fighting against themselves, in the meantime, the father of the informant went there to intervene and pacify them, thereupon accused Suraj Kumar assaulted his father by means of brick over his head due to which he



sustained injury, resulting into his death.

4. Learned counsel appearing on behalf of the petitioners with reference to the written report submits that from the narration made in the FIR, it crystallizes that neither the accused persons, including the petitioners were fighting with the informant's father nor there had any prior animosity. That apart, even as per the FIR, no role has been assigned against the petitioners that they are anyhow responsible for the unfortunate death of the father of the informant. He has further drawn the attention of this Court to the postmortem report as contained in Annexure 4 which *prima facie* suggests that there is no injury over the head of the deceased and moreover the opinion regarding cause of death is reserved till the forensic lab report comes. He lastly submits that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation/trial.

5. On the other hand learned counsel for the informant vehemently opposes the bail application and submits that during the course of investigation the witnesses have stated that the petitioners were found involve in assaulting the deceased resulting into his death.

6. Learned counsel for the State also opposes the bail



application.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that no role has been assigned to the petitioners in causing the death of the deceased, apart from their fair antecedent and the postmortem report which does not corroborated the prosecution case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Jehanabad in connection with Kako (Bhelawar O.P.) P.S. Case No.58 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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