

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.47189 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- KHIJARSARAI District- Gaya

1. Mundarik Paswan @ Munarik Paswan Son Of Late Raghunandan Paswan Resident Of Village - Akouni, P.S.- Khizersarai, District - Gaya.
2. Dharmendra Paswan Son Of Mundarik Paswan Resident Of Village - Akouni, P.S.- Khizersarai, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate.
Mr. Ramakant Akela, Advocate.
For the Opposite Party/s : Mr. Shyameshwar Dayal
For the Informant/s : Dr. Md. Raisul Haque, Advocate.
Mr. Binay Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 23-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 147, 149, 341, 323, 302, 307, 504 and 506 of the Indian Penal Code and Section 4 and 6 of the POCSO Act.

As per prosecution case, the allegation against the petitioners and the other co-accused persons is to assault Kuman Devi and Sushila Devi with fists and legs. When the cousin of the informant went to rescue, he was also assaulted on his head causing head injury. In the meantime, the petitioner Mundarik Paswan and the co-accused Chitranjan Paswan



instigated the co-accused Mukesh Kumar to Kill Kuman Devi and Sushila Devi upon which the co-accused Mukesh Kumar brought a dagger from his house and stabbed below the chest of Sushila Devi on account of which she got injured and fell down. Seeing this, Kuman Devi tried to escape but the petitioner Dharmendra Paswan and co-accused person Rakesh Paswan caught Kuman Devi and the co-accused Mukesh Kumar also stabbed into the *panjara* and near the left ear which caused injuries on several vital parts of her body. All the three injured were taken to Khizarsari Government Hospital for treatment. After primary treatment Kuman Devi and Sushila Devi were referred to Anugrah Narayan Magadh Medical College for better treatment but they were declared dead.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case on account of village politics. The petitioners have no criminal antecedent as stated at para 3 of the bail petition. Learned counsel for the petitioners has further submitted that petitioners have no intention to commit the murder of the deceased. The petitioners are non-assailant. There is no overt act against the petitioners. The main allegation of committing murder is on the co-accused Mukesh Kumar. The deceased persons and his family members were aggressor.

Learned A.P.P. for the State as well as learned counsel



for the informant have vehemently opposed the prayer of anticipatory bail of the petitioners by submitting that it is a case of double murder. It is further submitted that petitioner No. 1 is the order giver where as the petitioner No. 2 caught hold of the deceased Kuman Devi and the co-accused Mukesh Kumar inflicted blows of knife into the panjara and other parts of body when the deceased was helpless and armless. The aforesaid facts shows that there is direct involvement of the petitioner Dharmendra Paswan in the crime alleged.

Considering the aforesaid facts and circumstances and the heinous nature of allegation against the petitioners as well as the materials available on record against the petitioners, I am of the view that no case for grant of anticipatory bail is made out. The prayer for anticipatory bail of the petitioners is rejected with a direction to the petitioners to surrender before the Court below within six weeks from today and pray for regular bail which will considered by the learned court below in accordance with law without being prejudice by this order.

(Chandra Prakash Singh, J)

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