

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50616 of 2022

Arising Out of PS. Case No.-124 Year-2020 Thana- CHHATAUNI District- East Champaran

Sujit Paswan @ Sujit Kumar Son Of Rup Narayan Paswan @ Narayan
Paswan Resident Of Village - Barkurwa, P.S.- Motihari Mufassil, District -
East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad. Mr. Dhurendra Kumar
For the Opposite Party/s	:	Mr. Pravin Kumar
For the State	:	Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 06-02-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application

for grant of regular bail in a case registered for the

offences punishable under Sections 436, 302 of the

Indian Penal Code.

The prosecution case in nutshell is that in an

altercation petitioner threatened the deceased to burn

him alive and later on the deceased was ablaze to death

by the petitioner by setting fire in his hut.

It is submitted by learned counsel for the



petitioner that the petitioner is innocent and he has falsely been implicated in the present case. It is also submitted that after the alleged occurrence U/D case has been lodged by maternal uncle of the deceased against unknown persons and there is no whisper against the petitioner in that application. There is no eye witness of the alleged offence and only on the basis of hearsay, the name of petitioner sprang up in this case. Suspicion has been raised against the petitioner only due to the fact that some altercation took place between him and the deceased. Moreover, the petitioner has surrendered before the court below and is languishing in judicial custody since 26.02.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail. A counter affidavit has also been filed on behalf of the State in which a report has been called for by the S.D.P.O.,



Sadar, calling for detailed enquiry report of the CCTV footage of the said occurrence. It is further stated that due to lock down during COVID 19 pandemic, CCTV footage could not be restored by the hotel management.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Chhatauni P.S. Case No. 124 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned XXth Additional Sessions Judge, East Champaran, Motihari.

(Sunil Kumar Panwar, J)

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