

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55606 of 2023

Arising Out of PS. Case No.-11 Year-2009 Thana- MEHSI District- East Champaran

Santosh Paswan S/O Hukum Paswan R/O Village- Saray Banwari, Ps. Mehshi,
Dist. East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 149, 302, 379 and 120B of the Indian Penal Code.

3. Allegation against the petitioner along with other co-accused persons is that they committed murder of the informant's brother.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted from para-8 of this petition that informant himself stated that U.D. case No. 04 of 2008 has been registered for the death of the informant's brother but after four months, the present case has



been lodged by the informant. The deceased committed suicide after consuming wine but the informant lodged this case on the basis of false and concocted allegations. During investigation, Investigating Officer has examined several witnesses but none of them have stated anything against the petitioner and after completing the investigation, IO has submitted charge sheet against several accused persons under Sections 302, 120B and 34 of the IPC but so far as petitioner is concerned, IO has not found the case true against him and therefore, he has not chargesheeted him vide Final Report No. 27 of 2010 dated 28.02.2010. No eye witness of the alleged occurrence only on the basis of suspicion, he has been dragged in this case. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 07.06.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mehsi P.S. Case No. 11 of



2009 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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