

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 59117 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- DHURAIYA District- Banka

1. UJIT KUMAR PASWAN S/O JALO PASWAN Resident of Village- Kutaha, P.S.- Lodipur (By Pass T.P.O.), District- Bhagalpur, Bihar
2. PANDAV PASWAN @ PANDEV KUMAR PASWAN S/O TARNI PASWAN Resident of Village- Kutaha, P.S.- Lodipur (By Pass T.P.O.), District- Bhagalpur, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ramakant Sharma, Sr Advocate with
M/s Rajesh Kr, Rabindra Kr, Rakesh Kr Sharma,
Lakshmi Kant Sharma, Shatabdi Sinha,
Advocates

For the Opposite Party/s : Mr Anil Prasad Singh, APP

For the Informant : Mr Vibhakar Kumar, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **02-02-2023** Heard learned senior counsel for the petitioners, informant and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioners seek bail in Sessions Trial No 17 of 2022 arising out of Dhoraiya Police Station (for brevity, **PS**) Case No 210 of 2021 registered for the offence punishable under Sections 302, 201 of Indian Penal Code.

The prosecution case is founded on recovery of a beheaded body. **Fardbayan** of the **Chaukidar** has led to institution of the case.

The learned senior counsel for the petitioner submits that in the course of investigation, the victim has been identified. Material has emerged against the petitioner, based on alleged confessional statement of co-accused Jaihind Paswan @ Janu



Paswan, the petitioner has been arrested and is in custody since 29.04.2022. It is further submitted that petitioner No 2 has no antecedent whereas petitioner No 1 has two antecedents, as per details in paragraph 3 of the petition. He is stated to be on bail in these two cases. Submission is that there is no substantial progress in the trial also which is evident from perusal of the Report dated 06.01.2023 regarding the stage of trial sent by Additional Sessions Judge I, Banka.

Learned APP as well as the learned counsel for the informant have vehemently opposed the prayer for bail. On taking this Court through the various paragraphs of the case diary, it is submitted that investigation has revealed the motive being the love affair, elopement and marriage of the victim with the daughter of co-accused Devendra Paswan. It is under such circumstances that under a pre-planned conspiracy, wherein these petitioners have also participated, that the deceased has been done to death.

This Court, having considered the rival submissions and the material on record, including the various paragraphs of the case diary, would find that the statement of co-accused, at best, implicates the petitioner in planning the murder of the victim. The statement is of a co-accused, recorded in police custody, and the petitioners are relatives of Devendra Paswan.

Having considered the circumstances above, nature of material in the investigation, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge, Banka in Sessions Trial No 17 of 2022 arising out of Dhoraiya PS Case No 210 of 2021 subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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