

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61978 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- ROHTAS District- Rohtas

Vijay Paswan Son Of Late Ayodhya Paswan R/O Village- Jamua, P.S.-
Rohtas, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Singh, Adv.
For the State	:	Mr. Binod Kumar, APP.
For the Informant/s	:	Mr. Babunandan Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 19-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

2. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

3. Petitioner seeks regular bail in connection with Sessions Trial No 289/2022 arising out of Rohtas P.S. Case No. 71 of 2022 dated 03.03.2022 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

4. As per the prosecution, the informant's husband was assaulted to death by this petitioner and co-accused persons after he went to a fair with the petitioner and co-accused



persons.

5. The main submissions advanced by petitioner's counsel are that as per the FIR and statements of the witnesses given before the police during investigation, there was tense relation between the petitioner and the deceased on account of a land being mortgaged by the deceased to the petitioner, so in view of the said tense relation, the deceased cannot be expected to go with this petitioner at the relevant time of the commission of the alleged occurrence and during investigation, any of the witnesses examined by the Investigating Officer did not claim to have seen this petitioner going with the deceased to attend a fair, accordingly, there is no direct evidence to show the petitioner's involvement in the alleged murder of the victim. Further submissions are that the co-accused Jitu Choudhary @ Ajit Choudhary @ Ajit Kumar, who had threatened the deceased some days before the commission of the alleged murder as per the FIR, has been granted bail by this Court vide order dated 18.03.2023 passed in Cr. Misc. No. 46776/2022, against the petitioner there is criminal antecedent of one case in which he has been acquitted and the said antecedent relates to the year 2011 and the petitioner has been languishing in jail since 09.03.2022.



6. Learned counsel appearing for the informant has vehemently opposed the bail prayer and submitted that as per the FIR, there was sufficient motive on the part of the petitioner to commit the alleged crime of murder as the victim had mortgaged his land to the petitioner, who wanted to grab the deceased's land and he was not interested in returning the said mortgaged property despite the loan amount having been paid by the deceased to him. As per the informant, the victim was taken by this petitioner to attend a fair and thereafter his dead body was found.

7. Learned APP for the State has also opposed the bail prayer of the petitioner.

8. Having regard to the facts and circumstances of this case and mainly the facts that there is no direct evidence showing the petitioner's involvement in the alleged murder except the deceased going with this petitioner to attend a fair, but one thing is quite clear that at the time of commission of the alleged occurrence there was no good relation in between the petitioner and the deceased and during investigation, witnesses examined by the Investigating Officer did not claim to have seen the petitioner and the deceased going together to attend the said fair and the petitioner has been languishing in jail since



09.03.2022 and as per the FIR, the deceased's own relative namely Jitu Choudhary @ Ajit Choudhary @ Ajit Kumar, who is also an accused in this case, had threatened the deceased just some days before the commission of the alleged murder and the said co-accused has been granted bail by this Court, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Sessions Trial No 289/2022 arising out of Rohtas P.S. Case No. 71 of 2022.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

