

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66298 of 2022

Arising Out of PS. Case No.-334 Year-2020 Thana- KHARHAGPUR District- Munger

Praduman Kumar Paswan @ Parduman Kumar S/o Lalmuni Paswan,
Resident of Village- Numar, P.S.- Malaypur District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr.Rajeev Nayan, App, 231, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 17-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Khadagpur P.S. Case No. 334 of 2020 dated 07.12.2020
registered for the offences punishable under Sections 328,
302/34 of the Indian Penal Code and later on section 306 of the
Indian Penal Code was added.

3. As per the prosecution, the accused persons
including the petitioner killed the daughter of the informant by
administering poison to her. It is further alleged that the
petitioner on the assurance of solemnizing marriage with the
victim sexually exploited her many times.

4. The main submissions advanced by the learned
counsel for the petitioner are that though the FIR was registered



under sections 328 and 302/34 of the Indian Penal Code but the chargesheet was submitted under section 306 of the Indian Penal and prosecution is mainly relying upon a video footage of the victim which was made by mother of the victim by using a particular device and the same was provided to the investigating officer in a Pen drive and the said video footage was examined by the senior police officials. Further submission is that as per the supervising authority, the victim only took the name of this petitioner as having given some medicine to her according to the video footage and except this there is no any other allegation and moreover there are serious contradictions between the statements of the witnesses and the video footage and further more petitioner cannot be held liable for the death of the victim as being abettor merely on account of giving some medicine to the victim even if the victim's statement is believed to be true. Further submission is that the petitioner has fair and clean antecedent and has been languishing in jail since 23.07.2021 and there was no reason for the petitioner to administer any poisonous material to the victim.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the facts and circumstances of this



case as well as above submissions and mainly the petitioner's custody period, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, **let the petitioner be released on bail after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Khadagpur P.S. Case No. 334 of 2020.

(Shailendra Singh, J)

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