

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68260 of 2023

Arising Out of PS. Case No.-259 Year-2023 Thana- BARH District- Patna

Shiv Kumar Paswan S/O Late Darbari Paswan R/O Village- Amarpur
(Ranabigha), P.S. Barh, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Barh P.S. Case No. 259 of 2023 registered for the offences punishable under Sections 302/34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 07.02.2023, all the accused persons came at the door of informant and started abusing her and when the mother-in-law of the informant forbade them to abuse, all the accused persons forcibly entered into the house of the informant and caught hold of mother-in-law of the informant, thereafter, Shiv Kumar Paswan (this petitioner) assaulted mother-in-law of the informant on her head and co-accused Arun Paswan and co-accused Abhishek Paswan assaulted her with lathi and co-accused Khushboo Devi and Kala Devi assaulted her with kicks



and fists. Thereafter, she was taken to the hospital for treatment where she was declared dead.

4. Learned counsel for the petitioner submits that in the present case earlier after death of the mother-in-law of the informant, she never informed police that her mother-in-law had complained about pain in the right side of her ribs whereafter she was taken to the Sub-Divisional Hospital, Barh and in course of treatment, she died. A UD case was registered on the basis of that information on the very next day of the death of the mother-in-law of the informant.

5. It is stated that after about two months, the same informant lodged a complaint case giving rise to Complaint Case No. 245 (C) of 2023 in the court of learned ACJM-1st, Barh, Patna in which she came out with a different story and alleged that this petitioner and other named accused had entered into the house of the informant. This petitioner had assaulted the mother-in-law of the informant by iron rod.

6. On the basis of the application filed by the informant under Section 156(3) CrPC, the present FIR has been lodged after more than two months.

7. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner but Considering the facts and circumstances of the case, there being two different versions of the



same informant and inordinate delay in lodging of the complaint case giving rise to the present FIR, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Barh P.S. Case No. 259 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Barh, District-Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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