

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1326 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- MAHUA District- Vaishali

RAJENDRA PASWAN, aged about 53 years, Male, S/O BANKE PASWAN
Resident of village- Madhaul, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Vaishnavi Singh, Advocate Mr. Ravi Ranjan, Advocate
For the Opposite Party/s	:	Mr.Anuj Kumar Shrivastava, Advocate
For the informant	:	Mr. Shailendra Kumar, Advocate Mr. Subodh Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 02-05-2023 1. Heard learned counsel for the petitioner, learned
APP for the State as well as learned counsel for the informant.
2. Petitioner seeks regular bail in connection with
Mahua P.S. Case No. 310 of 2022 dated 07.05.2022 registered
for the offence(s) punishable under Section(s) 302/34 of the
Indian Penal Code.
3. The main submissions advanced by the learned
counsel for the petitioner are that as per the FIR, there was no
reason for the petitioner to commit the alleged occurrence and
merely on account of previous threat allegedly given by this
petitioner in respect of the victim, he has been dragged in this
case, there is no direct evidence to show the petitioner's
involvement in the alleged murder, in fact the deceased, who



happened to be brother of the informant, had some family dispute at the time of the marriage ceremony of his sister and he did not attend her marriage ceremony and thereafter his dead body was found hanging from a tree and as per technical evidence gathered in support of petitioner's mobile phone's location, he was not present at the place of occurrence rather he was present at a different place to attend a function and the said fact has been supported by most of the witnesses except the relative witnesses of the informant. Further submission is that the trial of the petitioner has started and he has been languishing in jail since 13.09.2022.

4. Learned counsel appearing for the informant has vehemently opposed the bail prayer and submitted that the petitioner is the main assailant who committed murder of the deceased and before the dead body was found, he had given a threat to kill the victim and the petitioner's defence as to his presence at some other place to attend a particular function was not found to be true as per his phone's tower location and in this regard, the conclusion made by the higher police official in paragraph no.104 of the case diary is relevant. Further submissions are that the petitioner's trial is at advance stage and four prosecution witnesses have been examined and petitioner's



trial may be expedited and at this stage, it will not be proper to enlarge him on bail.

5. Considering the above submissions and mainly the facts that there is no direct allegation against the petitioner and he has been languishing in jail since 13.09.2022 and as per informant's counsel, four prosecution witnesses have been examined and during investigation some witnesses stated that there was some family dispute in between the deceased and the informant's family and no witness examined during the investigation claimed to have seen this petitioner committing the alleged occurrence of murder and there is no allegation by prosecution as to influencing or tampering with witnesses by the petitioner till date, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Mahua P.S. Case No. 310 of 2022 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.

(Shailendra Singh, J)

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