

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68623 of 2023

Arising Out of PS. Case No.-643 Year-2021 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

=====

Kishor Pasawn @ Raj Kishor Paswan Son Of Surju Paswan R/O Vill - Rohiyama, P.S. - Beldour, Distt. - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sulekha Devi W/o Late Kishundeo Choudhary R/o vill and P.O. - Rohiyama, P.S. - Beldour, Distt. - Khagaria

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Complaint Case No. 643(C) of 2021, lodged on 04.12.2021, under Sections 452/302/34 of the I.P.C. and under Section 27 of the Arms Act.

3. As per the prosecution case, the complaint case has been lodged in which allegation has been made by the complainant that his husband was killed by the accused persons and Court has taken cognizance in which petitioner has been arrested.

4. Learned counsel for the petitioner submits that the



present complaint case is out and out false but the reason assigned by him is that the FIR, namely, Beldaur P.S. Case No.222 of 2021 has already been filed on 27.09.2021 by informant Indal Kumar Choudahry, in which the death of the complainant's husband has been narrated and police after completion of the investigation in the said FIR has already filed charge sheet against three named accused persons (Annexure-3). Counsel submits that in the background of the earlier FIR, the present complaint case No.643(C) of 2021 creates doubt. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 29.07.2023. Learned counsel for the petitioner submits that the other co-accused has been granted bail by a coordinate Bench of this Court vide order dated 16.10.2023 passed in Cr. Misc. No.61924 of 2023.

5. Learned counsel for the State opposes the prayer for bail but submits that for the death of Kishun Choudhary two cases, one complaint and one FIR have been lodged.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class,



Khagaria, in connection with Complaint Case No.643(C)/2021,
subject to the following conditions:-

(i) one of the bailor should be the family member of
the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bonds by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(iv) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

Mkr./-

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

