

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5802 of 2024

Arising Out of PS. Case No.-37 Year-2022 Thana- KAJRAILI District- Bhagalpur

Jichho Paswan S/O LATE RAMAWATAR PASWAN @ AVTAR PASWAN
R/O- BAHADURPUR, PS. KAJARALI, DIST. BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv

For the Opposite Party/s : Mr. Narain Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-05-2024 Heard learned counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Kajarali P.S. Case No. 37 of 2022 registered for the

offence under Section 302 and 120 B/34 of the Indian

Penal Code.

3. The accused/petitioner is named in the F.I.R.

and is in custody since 21.08.2023.

4. The allegation against this petitioner is to

commit murder of daughter of the informant along with

other co-accused persons/family members. As per FIR



one of the co-accused namely Prakash Paswan was in illicit relationship with the deceased wife of the petitioner.

5. Learned counsel appearing on behalf of the petitioner submitted that the informant of this case, who is the mother of the deceased, has got suspicion of murder of her daughter. It is pointed out that as per FIR the reason for occurrence is the denial of sexual intercourse with the co-accused Prakash Paswan, whereas as per the restatement, during the course of investigation, the motive appears as land dispute. It is also submitted that the fact of land dispute was also supported by other witnesses during the course of investigation. It is pointed out by the learned counsel that the informant himself stated during the course of investigation that the petitioner who is the husband of the deceased was a mentally challenged person and taking advantage of his mental position, other family members/co-accused persons were in process to grab his



10 katha of land which was in name of his deceased wife.

6. It is submitted that the informant failed to incriminate petitioner through her restatement, whereas even as per FIR the thrust of allegation appears available against co-accused Prakash Paswan. It has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence. While concluding argument learned counsel submitted that as per FSL report, the death of deceased daughter of informant was caused by 'Celphos' *prima-facie* suggesting death as suicide.

6. Learned APP opposed the prayer of bail.

7. In view of the aforesaid facts and circumstances as the thrust of allegation to commit murder of the daughter of informant not appears available against the petitioner who is mentally



challenged person coupled with the fact that charge-sheet has already submitted who is in custody since 21.08.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with Kajarali P.S. Case No. 37 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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