

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10134 of 2024

Arising Out of PS. Case No.-97 Year-2021 Thana- BIHTA District- Patna

Dharmendra Paswan @ Bhuwar, Son of Ganga Bishun Paswan, Village-
Gulamalichak, Police Station -Bihta, District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunit Kumar Srivastava, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 21-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Bihta P.S. Case No. 97 of 2021, instituted for the offences punishable under Section 341, 342, 363, 328, 302, 120 (B) and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that, all the FIR named accused persons including the present petitioner assaulted the husband of informant and administered poison to him as a result of which he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. There is no specific or direct allegation against the petitioner rather the same is general and omnibus. The viscera report shows that no Metallic, Alkaloidal, Glucosidal, Pesticidal



and volatile poison could be detected. The petitioner has no criminal antecedent as has been stated in paragraph no. 3 of the present bail application. The petitioner is languishing in judicial custody since 03.08.2023. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by Co-ordinate Benches of this Court vide order dated 11.04.2023 passed in Cr. Misc. No. 42163 of 2021 and order dated 19.02.2024 passed in Cr. Misc. No. 8398 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bihta P.S. Case No. 97 of 2021.

(Rudra Prakash Mishra, J)

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