

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8648 of 2024

Arising Out of PS. Case No.-58 Year-2023 Thana- KAKO District- Jehanabad

Suraj Paswan @Suraj Kumar Son Of Kewal Paswan Resident Of Village-
Bharthua Ps- Kako, (Bhelakar Op), Distt- Jahanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 10-05-2024 Heard Ms. Sagrika, learned counsel appearing on
behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Kako (Bhelawar) P.S. Case No. 58 of 2023
registered for the offence punishable under Sections 302/34 of
the Indian Penal Code.

3. The prosecution case is based on the fardbeyan of
the informant, alleging the petitioner of causing brick blow over
the head of the father of the informant leading to his death.

4. Learned counsel appearing on behalf of the
petitioner submitted that from the narrations made in the FIR, it
is evident that there is no prior enmity between the petitioner
and the father of the informant, however the allegation of



causing brick blow has not been corroborated in the postmortem report. It is contended that the postmortem report suggest only scar mark on the neck of the deceased and on being found no apparent cause of death the viscera has been sent for chemical examination. She further drew the attention of this Court to the different paragraphs of the case diary and submitted that witnesses have also stated that all the accused persons collectively assaulted the father of the informant by means of iron rod and other means which is not the case of the prosecution. She next submitted that the petitioner is a man of fair antecedent and moreover, even the allegation taken to be true, there is no repeatation nor any weapon has been used and, as such, no case under Section 302 Indian Penal Code is made out. The petitioner seeks sympathetic consideration.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the specific allegation of causing fatal attack has been levelled against the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the postmortem report which does not corroborate the allegation made on the FIR, coupled with the fair antecedent of the petitioner and the fact



that there is no repetition of blow, all the more there appears to be no premeditation and the weapon which is said to have been used is the brick, let the petitioner named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jahanabad in connection with Kako (Bhelwar O.P.) P.S. Case No. 58 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for canceling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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