

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16977 of 2024

Arising Out of PS. Case No.-469 Year-2023 Thana- BAHADURPUR District- Darbhanga

Rajan Paswan @ Rajan Kumar Paswan Son of Shiv Shankar Paswan Resident
of Village- Raghepura, P.S.- Bahadurpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 06-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Bahadurpur P.S. Case No. 469/2023 dated 25.09.2023 registered for the offence punishable u/s 302 and 201 read with 34 of the Indian Penal Code.

3. As per the prosecution case, on 24.09.2023 at 9 PM, the informant along with his family members was sleeping at his Sirki, in the meantime, one miscreant took away his younger son. On hearing the sound of his son, the informant woke up and chased him and apprehended one person who disclosed his name as Sandeep Paswan. On inquiry, the co-



accused Sandeep Paswan stated that the petitioner took away the informant's son, Shivam Kumar. The informant informed the police and handed over the apprehended person to the police. On search, the informant found dead body of Shivam Kumar in a ditch situated at village Raghepura Nunubandh. On inquiry, the co-accused Sandeep Paswan stated that the petitioner has given Rs. 500/- to him and said that the kidney of the child would be sold and the money would be divided among them. The informant has alleged that the petitioner and the co-accused person have stolen the informant's son for selling his kidney but on being chased by the informant they killed the informant's son and threw his dead body in the water.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot. The name of the petitioner has sprung up on the basis of confessional statement of the co-accused, Sandeep Paswan. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 25.09.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner. As per para. 3



of the case diary, it is further submitted that at the instance of the petitioner and the co-accused persons, police recovered the dead body of Shivam Kumar from the ditch. As per the post-mortem report, the cause of death is due to asphyxia as a result of drowning in water.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Bahadurpur P.S. Case No. 469/2023 pending in the court of learned Judicial Magistrate, First Class, Darbhanga.

7. Learned court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

atul/-

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

