

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17985 of 2024

Arising Out of PS. Case No.-271 Year-2023 Thana- BATHNAHA District- Sitamarhi

1. Lalan Paswan S/o Pragash Paswan R/o vill - Bhagwanpur, P.S. Bathnaha, Dist. Sitamarhi
2. Guddu Paswan S/o Late Sukrit Paswan @ Late Swikrit Paswan R/o vill - Bhagwanpur, P.S. Bathnaha, Dist. Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 22-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners is in custody in connection with Bathnaha P.S Case No. 271 of 2023 registered for the offences punishable under Sections 302/34 of the I.P.C.

3. As per prosecution case, on instance of Gita Devi, petitioners along with co-accused took her daughter in the mango orchard and assaulted her due which she sustained injuries and died during the course of treatment.

4. Learned counsel for the petitioners submits that petitioner has falsely been implicated in this case. It is further submitted that petitioners has got no criminal antecedent as



stated in para 3 of the bail petition. It is also submitted that petitioners are in judicial custody since 08.12.2023.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioners.

6. On perusal of the FIR, impugned order, postmortem report, it appears that there is a 14 days delay in lodging the FIR, date of occurrence is 17.06.2023 and FIR was lodged on 01.07.2023 without any proper explanation, no visible external injury found and no antemortem injury found on the body of the deceased further the cause of death is not ascertained by the doctor who has conducted the postmortem and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioners, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi in connection with Bathnaha P.S Case No. 271 of 2023.

(Ramesh Chand Malviya, J)

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