

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20172 of 2024

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

Kamlesh Paswan, aged about 31 years, Male, Son of Late Gagan Paswan,
Resident of Village-Bhagwanpur, Police Station-Bathnaha, District-Sitamarhi.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 23-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bathnaha P.S. Case No. 271 of 2023 instituted for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. As per the prosecution case, petitioner being named in the FIR having allegation of committing murder of daughter of the informant while she had gone outside for defecation.

4. Learned counsel for the petitioner submits that petitioner is innocent has committed no offence and has falsely been implicated in this case due to dirty village politics. He further submits that the occurrence took place on 17.06.2023, the victim was died on 28.06.2023 and the FIR was lodged on 01.07.2023 after a delay of about 13 days but there is no any plausible explanation in this regard. Petitioner has got clean



antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, postmortem report as well as viscera report and the impugned order of the learned Sessions Judge, Sitamarhi dated 20.01.2024, it appears that petitioner is named in the FIR. From perusal of the postmortem report and viscera report, it is found that there is no any external injury found on the body of the deceased and the viscera report states that no Metallic Alkaloidal, Glycosideal, Pesticidal or volatile poison could be found in the body of the deceased, so considering all these aspects of the matter, let the petitioner above named in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Sitamarhi in connection with Bathnaha P.S. Case No. 271 of 2023, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

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