

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23642 of 2024

Arising Out of PS. Case No.-259 Year-2023 Thana- KASBA District- Purnia

1. Nagendra Paswan Son of Late Fagula Paswan Resident of Village- Kochaili (Kochaily) P.S.- Dagarwa, District- Purnea.
2. Awadhesh Kumar @ Awdhesh Paswan @ Abadhesh Kumar Paswan Son of Ramnarayan Paswan @ Late Satnarayan Paswan Resident of Village- Kochaili (Kochaily) P.S.- Dagarwa, District- Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Kaswa (Kasba) P.S. Case No. 259 of 2023, registered for the alleged offence under Sections 302, 201/34 of the Indian Penal Code.

03. As per prosecution case, the son of the informant was taken by the petitioners and other co-accused persons to Purnea on 16.07.2023. The petitioners and others returned on 17.07.2023, but the son of the informant did not return. On query by the informant, they told him that his son has gone to Bangalore. Thereafter, the informant returned to his house and found the dead body of his son lying in his house and the



informant showed his suspicion that the petitioners and other co-accused persons administered poison to the son of the informant and murdered him.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case as dead body has been recovered from the house of the informant himself. It appears that due to family dispute, the deceased might have committed suicide by consuming poison and the petitioners have falsely been made accused. The postmortem was conducted on the dead body and from the postmortem report, it appears that the son of the informant died on 17/18.07.2023. Further, it is not believable that if the petitioners and other co-accused persons killed the son of the informant, they would take all trouble in bringing the dead body from Purnea to the house of the informant. It is a case without any material evidence and no independent eye witness has come forward to support the allegation. The petitioners are having clean antecedent. The petitioners are in custody since 24.11.2023 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the the vague nature of allegation against the petitioners and further considering period of custody of the petitioners and his clean antecedent along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/concerned court in connection with Kaswa (Kasba) P.S. Case No. 259 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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