

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24142 of 2024

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

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Amit Paswan @ Amit Kumar Paswan Son Of Nagendra Paswan Resident Of
Village - Kochaili, P.S. - Dagarua, District - Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest 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 petitioner and other co-accused persons to Purnea on 16.07.2023. The petitioner 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 petitioner and other co-



accused persons administered poison to the son of the informant and murdered him.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has 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 petitioner has falsely been made an 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 petitioner 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 petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the completely vague nature of allegation with possibility of false



implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) 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 condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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