

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31164 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- PIPRAHI District- Sheohar

Prabhu Paswan SON OF LATE RAMBRIKSH PASWAN Resident of village-
Dekuli Dharampur, P.S- Piprahi, District-Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv
	:	Mr. Devendra Kumar, Adv
	:	Mr. Kumar Rajdeep, Adv
For the Informant	:	Mr. Sita Ram Prasad, Adv
For the Opposite Party/s	:	Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 22-11-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Piprahi P.S. Case No. 266 of 2023 dated 11.12.2023 registered for the offences punishable u/ss 341, 342, 323, 354, 354B, 302, 504, 506 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, when the informant was taking water from hand-pipe (Chapakal) inside of her house, in the meantime, the daughter of Prabhu Paswan (bhaisur of the informant) namely, the co-accused, Divyanshi Kumari has also come for taking water and thereafter, the co-accused,



Divyanshi Kumari started assaulting the informant. On hulla, Prabhu Paswan (petitioner) and his wife Rina Devi came there and told them that they would kill her and her husband. It is further alleged that during the scuffle, Prabhu Paswan (petitioner) tore the informant's saree and blouse due to that the informant started to cry for save then her husband Manoj Paswan came to rescue, Prabhu Paswan (petitioner), his daughter and his wife Rina Devi assaulted on the chest of the informant's husband with legs, fists and slaps with intent to kill due to which the informant's husband died on the place of occurrence. When the informant's husband was taken to the hospital where the doctor has declared him dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is own brother-in-law (*Bhaisur*) of the informant and there is general and omnibus allegation against the petitioner. The petitioner has no intention to kill the deceased. Learned counsel has further submitted that no any external injury was found on the chest of the deceased as per the post-mortem report except abrasion on the neck and finger. Learned counsel has further submitted that from perusal of the case record, it appears that no witness has



stated about the heart disease of the deceased. It is further submitted that the informant has received Rs. 1,90,000/- as compensation for her husband death on the ground of heart disease from Chief Minister Medical Assistance Fund through Directorate Health Services, Bihar, Patna. Similar situated co-accused person has already been granted bail by this Court vide order dated 07.10.2024 passed in Cr. Misc. No. 31403 of 2024. The petitioner has three criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 27.12.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner and submitted that the informant's husband was suffering from heart disease which was within the knowledge of the petitioner and the co-accused persons. They assaulted on the chest of the informant's husband due to that he died on the spot. Learned counsel has further submitted that as per the postmortem report of the deceased, the cause of death is due to hard and blunt injury caused rupture of diaphragm on right lobe of liver leading to internal haemorrhage leading to CR failure hypovolemic shock.

6. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner above named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sheohar in connection with Piprahi P.S. Case No. 266 of 2023, with a condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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