

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32012 of 2024

Arising Out of PS. Case No.-238 Year-2023 Thana- BHAGWANPUR District- Begusarai

Gorakh Paswan (M), Aged About 40 Years, Son Of Late Itwari Paswan,
Resident Of Village- Maheshpur , P.S-Bhagwanpur Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bhagwanpur Town P.S. Case No. 238 of 2023 instituted for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

3. Allegation against unknown persons is that they
have assaulted the informant's son due to which he died during
course of treatment.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case due to high handedness of
police. Neither the petitioner is named in the F.I.R. nor any



suspicion has been raised against him. He has been made accused merely on the basis of confessional statement of co-accused including his self confessional before the police which is not admissible in the eye of law. Nothing incriminating article has been recovered from his possession. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated co-accused persons have already been granted bail by this Court vide order dated 13.03.2024 and 19.04.2024 passed in Cr. Misc. No. 15780 of 2024 and 30477 of 2023 respectively. Moreover, petitioner is languishing in judicial custody since 17.01.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist, Begusara in connection with Bhagwanpur Town P.S. Case No.238 of 2023.

7. The trial Court is directed to conclude the



proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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