

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32551 of 2024

Arising Out of PS. Case No.-177 Year-2023 Thana- KASMA District- Aurangabad

1. Ranjan @ Mithlesh Paswan @ Ranjan Kumar Paswan Son Of Bharat Pasawan Resident Of Village - Simla, P.S. - Kasma, District - Aurangabad
2. Ranjay @ Golden Paswan @ Golden Kumar Son Of Bharat Pasawan Resident Of Village - Simla, P.S. - Kasma, District - Aurangabad
3. Dilip Paswan @ Dilip Kumar Son Of Bharat Pasawan Resident Of Village - Simla, P.S. - Kasma, District - Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Kasma P.S. Case No. 177 of 2023, registered on 17.10.2023 for the offences under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the dead body of the son of the informant was found in the newly built house of the informant. The informant named the petitioners for being involved in the occurrence due to old enmity.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in



this case. From bare perusal of the FIR it is evident that the dead body of the son of the informant was recovered from his own house which was locked from inside and the informant was forced to use ladder for going up to the roof and thereafter, the door would be opened. The allegation against the petitioners is that of strangulating the son of the informant but the postmortem report negates the prosecution version as the death was caused due to asphyxia as a result of ante-mortem hanging. Learned counsel further submits that the petitioners are having clean antecedent and except for suspicion no tangible material has come up against to the petitioners to show their involvement. Learned counsel further submits that nothing has come in the case diary against the petitioners except the suspicion of the informant.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation and lack of substantive material to connect the petitioners with the offence as alleged and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender



before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Aurangabad/concerned court in connection with Kasma P.S. Case No. 177 of 2023, subject to the condition as 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 petitioners.
- (ii) The petitioners 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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