

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33980 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- KOCHAS District- Rohtas

Shree Niwash Paswan, aged about 58 years (Male), Son of Late Ramnath Paswan, R/o Village - Kuchila, P.S.- Kochas, District - Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anand Kumar Ojha, Advocate
For the Opposite Party : Mr. Arvind Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 13-05-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kochas P.S. Case No. 206 of 2023 dated 14.07.2023 registered for the offence punishable under Sections 304/34 of the I.P.C.

3. As per the prosecution case, on 11.07.2023 at about 3.00 P.M., the informant's daughter was feeding the cow in the *Goshala* after coming from her school. She kept her Dupatta on the cot, in the meantime, the petitioner's minor grand-son, Kariyawa, aged about 07 years, took her *Dupatta* and started fleeing away. She chased him for obtaining her *Dupatta* but he has not given her *Dupatta* then she sat down Kariyawa's sister in a field. On the said matter, the petitioner abused the



informant's daughter and on his instigation, the co-accused Rintu Ram assaulted on her neck. The informant's daughter came back to her home and started weeping and narrated whole story to the informant. When the informant went to the house of the co-accused Rintu Ram and the petitioner for asking about the same, they assaulted her. The informant alongwith her daughter came to her home. In the meantime, the informant's daughter fell down on the cot and she died.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the occurrence took place on 11.07.2023 and the F.I.R. has been lodged on 14.07.2023 after a delay of four days for which no explanation has been given by the prosecution. The petitioner is a simply an order giver. There is no allegation of assault to the deceased against the petitioner. The specific allegation of assault to the deceased is against the co-accused Rintu Ram. There is no intention of the petitioner to cause death of the deceased. There is no eye witness to the alleged occurrence and only on the basis of suspicion, the F.I.R. has been lodged by the informant who is the mother of the deceased. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case



since 30.10.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

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 A.C.J.M. Rohtas at Sasaram in connection with Kochas P.S. Case No. 206 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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