

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43677 of 2023

Arising Out of PS. Case No.-97 Year-2022 Thana- MANSURCHAK District- Begusarai

1. KARI PASWAN S/O RAM CHANDRA PASWAN R/O Village- Farpura
Sohilwara, P.S- Mansoorchak, Distt.- Begusarai.
2. Mukesh Paswan @ Mukesh Kumar Son of Ram Chandra Paswan R/o vill -
Farpura Sohilwara, P.S. - Mansoorchak, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Shri Yogesh Chandra Verma, Sr. Advocate Shri Adarsh Singh, Advocate
For the Opposite Party/s	:	Shri Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 22-02-2024 1. Heard learned Senior Counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 363 and 365
of the Indian Penal Code.

3. Learned Senior Counsel for the petitioners submits
that petitioners have been falsely implicated in the present case
during the course of investigation based on the call details of the
petitioners with the deceased. It is further submitted that the
deceased was having illicit relationship with the aunt of the
petitioners and the said relationship was being objected by the
petitioners for which they had threatened the deceased of dire
consequences about six months back. It is next submitted that
during the course of investigation, it has also transpired that the



threat which was given by the petitioners to the deceased was about six months back and thereafter no occurrence took place. It is thus submitted that it was a natural reaction of the petitioners to give threat to the deceased since he was having illicit relation with their aunt. It is also submitted that apart from the said fact one more fact which transpired during the course of investigation is that the petitioners had a talk with the deceased on the day he was killed but then that is not a clinching evidence to suggest that after talking to the deceased the petitioners killed him as no prudent person would commit an occurrence creating evidence against himself in the present case after making a call.

4. Learned Senior Counsel further submits that as far as petitioner no. 2 is concerned, he is own brother of the petitioner no. 1 but then against him during the course of investigation except for the fact that he had also threatened the deceased about six months back no fresh material against him transpired in the investigation connecting him with the offence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners but after going through the case diary does not dispute the submissions made by the learned Senior Counsel for the petitioners but then submits that the investigation is still going on.

6. Learned Senior Counsel for the petitioners submits



that petitioners will not abscond rather will cooperate in the investigation.

7. Considering the submissions made by the learned Senior Counsel for the petitioners and the nature of evidence which has come during the course of investigation, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mansoorchak P.S. Case No. 97 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event if the investigating officer of the case files an application before the learned trial court bringing to its notice that petitioners despite giving assurance to this Court are not cooperating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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