

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45963 of 2024

Arising Out of PS. Case No.-397 Year-2023 Thana- SUPAUL District- Supaul

Deepbans Paswan @ Deepwansh Paswan @ Divyanshu Kumar, aged about 19 years, Gender-Male, Son of Ramesh Paswan, R/O Village -Kariho, Ward No 6, P.S. -Supaul, District -Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Senior Advocate and
Mr. Bhaskar Shankar, Advocate
For the Opposite Party : Mr. Umanath Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-07-2024 Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Supaul P.S. Case No. 397 of 2023 dated 24.05.2023 registered for the offences punishable under Sections 341, 323, 324 and 302/34 of the I.P.C.

3. As per the prosecution case, on 22.05.2023, the informant's son had gone to visit the marriage ceremony of the daughter of Sato Mukhiya, where a scuffle took place between the *Barati* and the villagers, as a result of which, one boy got injured from the side of *Barati*. Thereafter, the co-accused persons Lala Mukhiya and Madan Mukhiya took the son of the informant to the *pandal* of the *Barat* at the door of Deena Babu.



Later on, the informant also reached there and saw that the co-accused Lala Mukhiya and Madan Mukhiya and some other persons of the *Barati* assaulted the informant's son and in course of assault, the co-accused Lala Mukhiya and Mandan Mukhiya stabbed him with sharp weapon on his chest and stomach and the other co-accused persons assaulted him with fists and leg, due to that, blood started oozing from the chest and thereafter he fell down on the ground and thereafter the accused persons fled away from there. The son of the informant was brought to Supaul for his treatment but during the course of treatment, he died.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is not named in the F.I.R. His name has come in the present case on the basis of recognition of face from the photographs shown by the I.O. The petitioner is being one of the member of the *Barat* party. There is no allegation of committing murder of the informant's son against the petitioner rather the same is alleged against the co-accused Lala Mukhiya and Madan Mukhiya. The other co-accused persons have already been granted bail by a Bench of this Court vide Cr. Misc. No. 32641



of 2024 under order dated 07.05.2024 and Cr. Misc. No. 39102 of 2024 under order dated 04.07.2024. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 19.01.2024.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, 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 the learned court concerned, Supaul in connection with Supaul P.S. Case No. 397 of 2023 with further condition:-

(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 bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

