

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57583 of 2024**

Arising Out of PS. Case No.-13 Year-2024 Thana- Bariyarpur District- Muzaffarpur

1. Mohan Paswan S/O Late Bangali Paswan R/O Village- Paigambarpur, P.S- Bariyarpur, Distt.- Muzaffarpur.
2. Parwati Devi W/O Mohan Paswan R/O Village- Paigambarpur, P.S- Bariyarpur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                         |
|--------------------------|---|-------------------------|
| For the Petitioner/s     | : | Mr.Anish Kumar, Adv.    |
| For the Opposite Party/s | : | Mr.Umesh Lal Verma, APP |
| For the Informant        | : | Mr. Bhavesh Kumar, Adv. |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

3      13-11-2024                      Heard learned counsel for the petitioners and learned APP for the State as also learned counsel for the Informant. Perused the case diary.

2. The petitioners seek bail in connection with Bariyarpur P.S. Case No. 13 of 2024 (G.R. No. 1370 of 2024) instituted for the offences under Sections 147, 149 and 302 of the Indian Penal Code.

3. As per prosecution case, the accusation against the petitioners is of committing murder of the husband of the Informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as



alleged against them and have falsely been implicated in the present case. The petitioner no.1 is the step son and petitioner no.2 is the step daughter-in-law of the Informant. He further submits that the partition suit is going on between the parties and, hence, the allegation of demanding half-share is concocted and false. As per inquest report, no external injury as well as no any feature of any act of causing death have been found on the body of the deceased. He further submits that the charge-sheet has been submitted without supervision report. He again submits that prior to the alleged occurrence dated 26.03.2024, the petitioner no.2, the wife of the petitioner no.1 and the daughter-in-law of the deceased and the Informant has already lodged an F.I.R. No. 10 of 2024 of the same Bariyarpur police station on 24.03.2024 against Sohan Paswan and 9 others, levelling serious allegation against the accused persons. He further submits that actually the deceased died in his residence and it is false to say that the deceased died during treatment on 30.03.2024 for the alleged occurrence on 26.03.2024 but, the F.I.R. was lodged on 31.03.2024 after death of the deceased which creates doubts in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 02.04.2024 without any rhymes or reason.



5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that there is direct and specific allegation against the petitioners of committing murder of the deceased which is corroborated by the medical report. The nature of allegation alleged against the petitioners is serious in nature and, hence, they do not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also there being direct and specific allegation of assaulting the deceased who, later on, succumbed to his injury, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, the prayer for bail of the petitioners, above named, is rejected with a direction to the court below to expedite the trial.

**(Rudra Prakash Mishra, J)**

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