

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58152 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- SARAIYA District- Muzaffarpur

Chandan Paswan Son of Ganesh Paswan Resident of Village - Chako Chapra
Jagir, P.S. - Saraiya (Jaitpur O.P.), District - Muzaffarpur

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Santosh Kumar, Adv.
For the State	:	Mr. Pradeep Narain Kumar, APP
For the Informant	:	Mr. Yugal Kishore, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner apprehends his arrest in a case registered for offence under Sections 363, 365, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 23.01.2023, this petitioner and co-accused Raju Mahto took the son of the informant (Raja Kumar) to Jamui for doing the work of labour, but he did not return. Informant suspects that petitioner and co-accused have committed the murder of his son and disappeared his dead body.

4. Learned counsel for the petitioner submits that petitioner is neither the contractor of labourer nor he took the son of informant, rather the petitioner was also a labourer. He further submits that as per F.I.R., co-accused Raju Mahto, being



contractor, took the son of informant alongwith petitioner. Informant is not eye-witness to the occurrence and only suspicion has been raised against this petitioner. In fact, petitioner and informant are neighbours and due to some quarrel between both family, heated argument took place and thereafter, this false case has been lodged against petitioner and other. As a matter of fact, son of the informant fell from the train and got injured and in course of treatment died. During investigation, no direct or indirect evidence has come against petitioner to show his complicity in the aforesaid crime.

5. However, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that this petitioner alongwith other co-accused took the son of informant on the pretext of performing the work of labour, thereafter, the accused persons committed his murder and disappeared his deal-body and during investigation, on the evidence of witness Sudhir Kumar, dead body of deceased was recovered.

6. Considering the aforesaid facts and circumstances, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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