

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61704 of 2023

Arising Out of PS. Case No.-259 Year-2023 Thana- BARH District- Patna

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1. Arun Paswan S/O Late Darbari Paswan R/O Village- Amarpur (Ranabigha), PS. Barh, Dist. Patna
 2. Abhisek Paswan @ Abhisek Kumar S/O Arun Paswan R/O Village- Amarpur (Ranabigha), PS. Barh, Dist. Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Advocate
		Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 25-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Barh P.S. Case No. 259 of 2023 registered for the offences punishable under Section 302/34 of the Indian Penal Code. They have no criminal antecedent.

3. As per the prosecution story, on 07.02.2023, all the accused persons came at the door of the informant and started abusing her and when the mother-in-law of the informant forbade them to abuse, all the accused persons forcibly entered into her house and caught hold of her mother-in-law, thereafter, co-accused Shiv Kumar Paswan assaulted her mother-in-law on her head, Arun Paswan (petitioner no. 1) and Abhisek Paswan



(petitioner no. 2) assaulted her with lathi and co-accused Khushboo Devi and Kala Devi assaulted her with kicks and fists. Thereafter, she was taken to the hospital for treatment where she was declared dead.

4. Learned counsel for the petitioners submits that from a bare reading of the impugned order of the learned court below, it would appear that the present case has been lodged on the basis of a complaint petition filed on 12.04.2023. Earlier a UD case was registered on the basis of the statement of the present informant Neelam Devi. In her earlier petition to S.H.O., Barh on 08.02.2023, she has stated that when her mother-in-law had told her about the pain in her right chest, then her husband Rajiv Paswan, Bhaisur Dharmendra Paswan, cousin father-in-law Rajkumar Paswan and other villagers took her mother-in-law to Sub-Divisional Hospital, Barh where in course of treatment, her mother-in-law died. The inquest report shows death of the deceased due to falling down. Her age was mentioned as 66 years. It is submitted that after more than two months another complaint was filed by the informant giving altogether a different version and this time, she has implicated the petitioners and others. Learned counsel has placed before this Court a copy of the order dated 09.11.2023 passed in Cr.



Misc. No. 68260 of 2023 in which co-accused Shiv Kumar Paswan has been granted privilege of pre-arrest bail by this Court.

5. Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner but on noticing that the informant has filed this case by way of a complaint petition after more than two months of the occurrence earlier she had given an altogether different version on the basis of which a UD case was registered and further that the co-accused similarly situated has been granted privilege of pre-arrest bail by this Court, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Barh P.S. Case No. 259 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Barh, District-Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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