

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71843 of 2023

Arising Out of PS. Case No.-324 Year-2023 Thana- KATIHAR NAGAR District- Katihar

Shyam Paswan @ Shyamdeo Paswan Son Of Jay Prakash Paswan Resident
Of Mohalla- Teja Tola, Ps- Katihar, Sahayak, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner has prayed for bail in a case registered
for the offence punishable under Sections 302, 307, 323, 341, 504
and 34 of the Indian Penal Code.

3. As per allegation in the FIR, all the accused persons
including this petitioner brutally assaulted to the informant's
daughter namely, Saraswati Kumari by lathi due to which she
sustained injury and died.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this case due to previous
enmity and land dispute. No one is eye witness of the alleged
occurrence. All the witnesses are family members who have
examined before the police. General and omnibus allegation has been



levelled against the petitioner. There is no specific allegation of assault against this petitioner. It is further submitted that in para 56 of the case diary, independent witness doctor Sushant Kumr after observing the postmortem report and prior prescription of the deceased has stated that deceased was ill earlier and she died due to illness. As per postmortem report, there was no external injury found on here body and doctor not opined about the cause of death. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 08.05.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Katihar in connection with Katihar Nagar (Sahayak) P.S. Case No.324 of 2023.

(Sunil Kumar Panwar, J)

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