

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76532 of 2023

Arising Out of PS. Case No.-265 Year-2023 Thana- KORHA District- Katihar

1. SURAJ PASWAN S/O BIRENDRA PASWAN @ PALLU PASWAN R/O VILLAGE- SISHIYA, P.S- KORHA, DISTT.- KATIHAR.
2. DHIRAJ PASWAN S/O SIYA RAM PASWAN R/O VILLAGE- DOVI, P.S- RUPAULI, DISTT.- KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 19-03-2024 Heard Mr. Ajit Kumar Singh, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners are apprehending arrest in connection with Korha P.S. Case No. 265/2023 instituted under Sections 302/34 of the Indian Penal Code lodged on 28.6.2023 by the informant, Arjun Jha.

3. As per the prosecution story, the son of the informant, Monu Jha after love marriage, working at a factory at Durgapur, Katihar used to live at in-laws' house. Allegation is that he had gone to attend a marriage where he was abused by his cousin as also these two petitioners for coming to the place



after taking a motorcycle of another person. In the morning, information came that he is dead. They went to the house of Suraj Paswan and saw the dead body which was kept outside the house. He has reason to believe that the son was killed by Sunita Devi. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the unfortunate incident took place and may be due to the abuse, the son of the informant took extreme steps and committed suicide but on suspicion, they have been implicated. The Submission is that Sunita Devi has been granted anticipatory bail in Cr. Misc. No. 74865 of 2023.

5. Learned APP opposes the prayer stating that first they abused and the presence of dead body outside of the house of Suraj Paswan clearly points needle of the suspicion on the present petitioner.

7. This Court has gone through the case diary as the post-mortem report (the case diary having been called for by a coordinate bench on 21.12.2023) and the cause of death has been assigned as asphyxia as a result of hanging. Prima facie, it shows about the son of the informant had committed suicide and these petitioners as also the cousin brother may be the reason for the deceased taking extreme step.



8. However, prima facie this does not appear to be a case of killing. In that background, taking into account the fact that the assault sign is not on the body of the deceased, the cause, as stated above, has been assigned, the two petitioners are young boys, having no criminal antecedents, the lady, Sunita Devi has been granted anticipatory bail, this Court is inclined to extend them the privilege of anticipatory bail.

9. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Korha P.S. Case No. 265/2023 to the satisfaction of learned Chief Judicial Magistrate, Katihar subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;



(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

10. Nothing observed in this petition shall be taken into consideration at any point of time as the same has come only for the purpose of grant of anticipatory bail.

(Rajiv Roy, J)

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