

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86112 of 2023

Arising Out of PS. Case No.-108 Year-2022 Thana- KHIJARSARAI District- Gaya

1. Mundarik Paswan @ Mundrika Paswan son of Late Rarghunandan Paswan
Village- Akouni Ps- Khizersarai Dist- Gaya
2. Dharmendra Paswan @ Dharmendra Kumar son of Mundarik Paswan
Village- Akouni Ps- Khizersarai Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Ramakant Akela
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-01-2024 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are languishing in custody in a

case registered for the offences punishable under

Sections 147, 149, 341, 323, 302, 307, 504, 506 of

the Indian Penal Code and Section 4/6 of the POCSO

Act.

The prosecution case as per F.I.R is that all the

F.I.R named accused persons including the petitioners



have assaulted the informant's wife and sister-in-law. The occurrence took place because the niece of the informant went to attend the call of nature in the morning and the accused Mukesh Kumar was staring to her and on that she objected and reported this matter to her aunt (informant's wife) and informant's sister-in-law and they both went to the house of Mukesh Kumar to lodge complaint. Thereafter, all the accused persons including the petitioners assaulted them, as a result of which, both the women died.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. The petitioners and the informant's side are agnates and in the background of some land dispute, the present accusation has been levelled against the petitioners. There is general and omnibus allegation against the petitioners. The specific allegation of inflicting dagger blow to the deceased is against co-accused Mukesh Kumar who is not petitioner



before this Court. During investigation also, no consistent material evidence was collected against the petitioners. The petitioners are languishing in custody since 23.09.2023. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. Moreover, similarly situated co-accused persons have been granted privilege of bail by a coordinate Bench of this Court vide order dated 20.07.2023 passed in Cr. Misc. No. 66821 of 2022.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioners.

Considering the facts aforesaid and the period under custody, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO)-cum-Additional District Judge-VII, Gaya in connection with POCSO Case No. 43 of



2022, arising out of Khizer Sarai P.S. Case No. 108 of
2022.

(Sunil Kumar Panwar, J)

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