

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1600 of 2024

Arising Out of PS. Case No.-342 Year-2023 Thana- BIBHUTIPUR District- Samastipur

1. Rakesh Paswan S/o Sidheshwar Paswan Residento f Village- Narhan Ward no. 14, Bibhutipur Kali Asthan, P.S. Bibhutipur, Dist. - Samastipur
2. Rajesh Paswan S/o Sidheshwar Paswan Residento f Village- Narhan Ward no. 14, Bibhutipur Kali Asthan, P.S. Bibhutipur, Dist. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Vaishnavi Singh, Advocate
For the Opposite Party/s :		Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-03-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners have preferred this application for
grant of regular bail in connection with Bibhutipur P.S. Case no.
342 of 2023 registered under sections 302, 201 and 34 of the
Indian Penal Code.

3. As per the prosecution case, the informant states
that the two accused persons who are the petitioners herein
called and took away his son who thereafter did not return. It
subsequently transpired that he had been killed and his dead
body was recovered in the agricultural land.

4. Learned counsel for the petitioners submits that the



petitioners have been falsely implicated in the case. Even as per the prosecution case in the F.I.R, the alleged victim went with the petitioners on 28.8.2023 and the information etc. was given to the police station and the F.I.R lodged only after three days on 1.9.2023. Admittedly there is no eyewitness to the occurrence. Referring to the postmortem report it is submitted that the statement of the so-called witnesses are not supported from the contents thereof as neither any injury has been found on the body and further the time elapsed since his death is said to be within 36 hours and the postmortem examination was conducted on 28.8.2023 at 11 P.M. The petitioners are in custody since 3.9.2023 and charge-sheet has been submitted in the case.

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

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the submissions made by learned counsel for the petitioners, there being no eyewitness to the alleged occurrence, the contents of the postmortem report, the petitioners having remained in custody for 6 months since 3.9.2023 and charge-sheet having been submitted in the case, the petitioners are directed to be



enlarged on bail in connection with Bibhutipur P.S. Case no. 342 of 2023, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Rosera, Samastipur.

(Partha Sarthy, J)

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