

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8731 of 2025

Arising Out of PS. Case No.-267 Year-2024 Thana- NAWANAGAR District- Buxar

Malu Paswan @ Mallu Paswan Son of Baban Paswan Village-Rupi, PS-
Bhanas O.P.(Dinara), District-Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The accused-petitioner seeks bail in connection with
Nawanagar P.S. Case No. 267 of 2024 registered for the offence
under Sections 103, 3(5) of the Bhartiya Nyay Sanhita, 2023 (in
short the “B.N.S. 2023”).

3. The petitioner is named in the F.I.R. and is in custody
since 24.08.2024.

4. The allegation against the petitioner is to commit
murder of the son of informant along with other named co-accused
persons.

5. Learned counsel appearing on behalf of the petitioner
submitted that admittedly as per FIR, informant is not an eye
witness of the occurrence and implication of the petitioner appears



purely on the basis of suspicion. It is pointed out that during the course of investigations, it was found that the deceased son of the informant was in love affairs with sister of petitioner namely, Chandani Kumari, which was objected by petitioner and all family members and thereafter, under conspiracy, son of the informant was murdered. It is pointed out that this fact surfaced out of confessional statement of co-accused namely, Chandani Kumari with whom deceased son of the informant was in love affairs. It is pointed out that in furtherance of said confessional statement no incriminating material recovered/ surfaced during course of investigation as to connect petitioner *prima-facie* with present case of murder and, therefore, save and except suspicion nothing survives against this petitioner who is otherwise a man of clean antecedent and, moreover, investigation of this case is completed, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel for the Informant, while opposing the prayer of bail submitted that petitioner was actively involved in present occurrence, however, he could not disputed the factual submissions as advanced by learned counsel for the petitioner.

7. In view of aforesaid facts and circumstances as save and except suspicion arising out of confessional statement of co-



accused Chandani Kumari nothing survives against this petitioner, coupled with fact that investigation of this case is already completed where petitioner is in custody since 24.08.2024, accordingly petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Buxar/concerned court in connection with Nawanagar P.S. Case No. 267 of 2024, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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