

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9783 of 2025

Arising Out of PS. Case No.-9 Year-2024 Thana- CHAKARANDHA P.S. District- Gaya

Santosh Paswan Son of Sita Ram Paswan Resident Of Village- Barha, PS-
Chhakarbandha, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Md. Javed Jafar Khan, Advocate
For the Opposite Party/s :	Mr. Sanjay Kumar Tiwary, APP
For the Informant :	Mr. Sudhir Kumar Singh, Advocate
	Dr. Nalin Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 18-07-2025 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with
Chhakarbandha P.S. Case No. 09 of 2024, instituted for the
offences punishable under Sections 103(1), 238 and 61(2) of the
Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused persons have committed murder of
the informant's brother by hanging, whereafter, his body and
face were burnt with kerosene and thrown into dam.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that informant is not the eye witness to the alleged occurrence. There is no specific allegation attributed to the petitioner rather the same is general and omnibus in nature. He further submits the postmortem report of the deceased does not corroborate with the allegation made in the F.I.R. as the same shows that the body was highly decomposed and the probable cause of death was asphyxia due to antemortem drowning. The petitioner is in custody since 19.08.2024 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation alleged is serious in nature. Learned APP for the State further submits that the witnesses have also supported the prosecution case. As per postmortem report, cause of death is asphyxia and shock as a result of drowning. The petitioner is named in the FIR and, hence, he does not deserve the privilege of bail. It is next submitted that the prayer for regular bail of co-accused has already been rejected by this Court vide order dated 30.06.2025 passed in Cr. Misc. No. 1474 of 2025.



6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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