

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11672 of 2025

Arising Out of PS. Case No.-333 Year-2023 Thana- SARAIYA District- Muzaffarpur

Sobhit Paswan @ Ramekwal Paswan Son of Late Balajee Paswan @ Late Balji Paswan Resident of Village - Bahilwara Pandey Tola, Police Station - Saraiya, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 02-07-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. In this present case, the petitioner seeks bail in connection with Saraiya P.S. Case No. 333 of 2023 registered for the offences under Sections 302, 120(B)/34 of the Indian Penal Code.

3. As per prosecution case, brother of the informant was murdered and the informant named this petitioner and two other persons for being involved in the occurrence.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The date of occurrence is 28.05.2023 but the FIR has been registered on 01.06.2023 without any explanation. Inquest report was prepared on



29.05.2023 at 04:10 PM and post-mortem was conducted on 30.05.2023. Coming to know about post-mortem and cause of death, the informant lodged this false case against the petitioner and others. Post-mortem report shows only one external injury which was an abrasion of size 3"x2" and there was no other external injury found on the person of the deceased. Dead body was lying outside a public road as is clear from the inquest report. So the allegation that it was found at the doors of Moti Rai is completely false and concocted. During investigation, the investigating officer has not found any money transaction between the petitioner and the deceased and charge-sheet has been submitted in most mechanical manner. Petitioner is having antecedent of one case in which he is on bail. Petitioner is in custody since 24.09.2024.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner and other co-accused persons were named in the FIR by the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the contradictory and doubtful nature of allegation against the petitioner and further considering delay in lodging the FIR and also considering the period of custody and submission of



charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned ACJM-IV (West) Muzaffarpur/concerned court in connection with Saraiya P.S. Case No. 333 of 2023, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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