

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18319 of 2025

Arising Out of PS. Case No.-51 Year-2024 Thana- GAIGHAT District- Muzaffarpur

Roshan @ Veeru Paswan @ Roshan Kumar S/O Lal Babu Paswan @ Lalbabu Paswan Residents of Village- Loma, Police Station- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-04-2025 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in the F.I.R. and apprehended his arrest in connection with Gaighat P.S. Case No. 51 of 2024 registered for the offences punishable under Sections 302, 120B and 420 of the Indian Penal Code.

3. The allegation against the petitioner is to commit murder of the son of informant alongwith other co-accused persons while he visited Durga Puja fair.

4. Learned counsel appearing on behalf of the petitioner submitted that for the same



occurrence initially informant lodged a case with police on 24.10.2023, wherein he categorically stated that his son died out of road accident and subsequently Gaighat P.S. Case No. 425 of 2023 was lodged for the offence punishable under Section 279 and 304-A of the IPC on 03.11.2023, subsequently as an afterthought to implicate this petitioner falsely, informant registered complaint case on 12.01.2024 before learned CJM stating therein that this petitioner alongwith other co-accused persons committed murder of his son while he visited Durga Puja fair alongwith his wife. It is also submitted that the post-mortem report of the deceased *prima-facie* suggest that injuries were caused by hard and blunt substance, suggesting accident. It is pointed out that on the basis of aforesaid complaint petition present FIR was lodged against this petitioner. While concluding the argument learned counsel submitted that even from the complaint petition, which is the basis of present FIR informant not appears to be eye-witness of the occurrence,



where maximum allegation against petitioner is to call son of informant outside Durga Puja fair alongwith other co-accused persons.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of the facts and circumstances and by taking note of the fact as for the present occurrence informant already lodged a police case explaining that death of his son was caused due to accident, which also appears prima-facie corroborating with the post-mortem report, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Trial Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur/concerned Trial Court where the case is pending in connection with Gaighat P.S. Case No. 51 of 2024 subject to the conditions as laid down under Section 482(2) of the BNSS.



(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

