

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71147 of 2024

Arising Out of PS. Case No.-710 Year-2023 Thana- FATEHPUR District- Gaya

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Ganesh Paswan, Male, aged about 40 years, Son of Late Deepchand Paswan
@ Dipchan Paswan, Resident of Village - Tarma, Police Station - Fatehpur,
District – Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Aryan Singh, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 19-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Fatehpur P.S. Case No. 710 of 2023 dated 26.09.2023 registered
for the offences punishable under Sections 302, 201 of the I.P.C.
and Section 27 of the Arms Act.

3. As per the prosecution case, the son-in-law of the
informant, namely, Hamid Hussain, was running ‘Biryani Hotel’
in Kolkata and on 22.09.2023, he returned back to his village.
On 24.09.2023 at about 10.00 A.M., a call was received on the



mobile of Hamid Hussain and thereafter, he went to Belaganj Bazar but he did not come back to his house till 8.00 P.M., and his Mobile was found switched off and thereafter the family members started searching and on 25.09.2023 at about 1.30 P.M., the informant was informed by police that a body like his son-in-law, Hamid Hussain, was found in Fetehpur Police Station, thereafter, the informant and others went to Magadh Medical and identified the dead body of his son-in-law Hamid Hussain. His son-in-law had been killed. It is further alleged that his son-in-law had no dispute with anyone but he used to chat and call on Mobile No. 9546680260 from which the phone call had come and thereafter he went to Belaganj. It is further alleged that if the investigation is done of Mobile No. 9546680260, the reason for the murder would be found. The mobile numbers of Hamid Hussain are 8777671373, 9088592198 and his wife's Mobile No. is 9262966049.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. It is further submitted that the alleged occurrence took place on 24.09.2023 as to when the F.I.R. has been lodged on 26.09.2023 and the same was sent on 28.09.2023 before the



Magistrate and the delay in lodging the F.I.R. has not been explained by the prosecution. The deceased never lived in Belaganj and was residing at Kolkata since last eight years which means other than his family and relative, the deceased was known to none in the village. It is further submitted that the police during the investigation, checked the C.D.R. of Mobile No. 9546680260 from which the call was received to the deceased and found that on 17.08.2023 the mobile came to Bala from Kolkata and on 24.09.2023 it was in Chandauti, Manpur, Buniyadganj and at Atri at 6.35 P.M., and the last location was of Chakand and from 8.32 P.M. to 9.12 P.M., a message and one call was made on the deceased mobile. It is further submitted that the police at first reached to the co-accused Parvez Alam and then to the wife of the deceased and seized her mobile and then both accepted their guilt and this led them to Saddam. The name of the petitioner has surfaced in the present case only on the basis of the confessional statement of the arrested accused persons i.e., Parvez Alam and the deceased's wife but no relation or intention has either been given or found against the petitioner. The real fact is that the deceased left his wife and had an affair with other women who is living in Kolkata which was known to everyone including his wife and the informant and on



22.09.2023 when the deceased came back, the informant's daughter with Parvez Alam and the informant in a conspiracy killed the deceased. He has no concern with the alleged offence. The other co-accused person, namely, Parvez Alam, has already been granted bail by a Bench of this Court vide Cr. Misc. No. 22478 of 2024 under order dated 17.04.2025. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 28.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Gaya in connection with Fatehpur P.S. Case No. 710 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are



liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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