

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87104 of 2024

Arising Out of PS. Case No.-108 Year-2022 Thana- KHIJARSARAI District- Gaya

Mukesh Kumar @ Mukesh Paswan S/O Mundarik Paswan @ Munarik
Paswan R/o Village - Akouni, Police Station- Khizersarai, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mohi Paswan Son of Ramanand Paswan R/o Village - Akouni, Police
Station- Khizersarai, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr Advocate Mr. Salaj Kumar Rai, Advocate Mr. Rabish Kumar, Adv
For the Opposite Party/s:		Mrs. Sharda Kumar, APP

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

ORAL ORDER

5 18-09-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with POCSO Case No. 43/2022 arising out of Khizersarai P.S Case No. 108/2022 dated 12.03.2022 registered for the offence punishable u/s 147, 149, 341, 323, 302, 307, 504 and 506 of the Indian Penal Code and Section 4 and 6 of the POCSO Act.

3. As per the prosecution case, the allegation against the petitioner and the other co-accused persons is to assault Kuman Devi and Sushila Devi with fists and legs. When the



cousin of the informant went to rescue, he was also assaulted on his head causing head injury. In the meantime, the co-accused, Mundarik Paswan and the co-accused Chitranjan Paswan instigated the petitioner, Mukesh Kumar to Kill Kuman Devi and Sushila Devi upon which the petitioner, Mukesh Kumar brought a dagger from his house and stabbed below the chest of Sushila Devi on account of which she got injured and fell down. Seeing this, Kuman Devi tried to escape but the co-accused, Dharmendra Paswan and co-accused person Rakesh Paswan caught Kuman Devi and the petitioner, Mukesh Kumar also stabbed into the *panjara* and near the left ear which caused injuries on several vital parts of her body. All the three injured persons were taken to Khizarsari Government Hospital for treatment. After primary treatment Kuman Devi and Sushila Devi were referred to Anugrah Narayan Magadh Medical College for better treatment where they were declared dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is a case of land dispute. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. The other co-accused person has been granted regular bail by the co-



ordinate Bench of this court vide order dated 16.03.2023 passed in Cr. Misc. No. 33371/2022. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 28.03.2022.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the specific allegation of stabbing the informant's wife and informant's *bhabhi* is against the petitioner which gets support from the Post Mortem report of the said deceased.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of offence against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with POCSO Case No. 43/2022 arising out of Khizersarai P.S Case No. 108/2022, pending in the court of learned Exclusive Special Judge (POCSO)-cum-ADJ-VII, Gaya.

7. Learned court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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