

Arising Out of PS. Case No.-191 Year-2024 Thana- KISHANPUR District- Supaul

- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr. Mohit Shriwastava

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-04-2025 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 103(1), 238, 351(2), 3(5) of BNS, 2023.

3. Learned counsel for the petitioners submits that informant (Manoj Paswan) alleges that his sister Laliya Devi was married to one Radheshyam Paswan, from the wedlock they had two children, further alleges that on 29.07.2024 at around 6.00 P.M. Kajal (petitioner no.2) and Krishna Kumar murdered his nephew i.e. son of Laliya Devi, it is next alleged that after committing the occurrence Kajal and Krishna Kumar panicked



and informed Ravindra Paswan about the occurrence, further in the evening, the accused persons attempted to make the murder look like suicide by hanging his nephew body in their house i.e. in the house of Radheshyam Paswan, it is next alleged that when brother-in-law of the informant namely Radheshyam Paswan saw the dead body hanging, raised an alarm, on which, the villagers came and thereafter the informant was also informed about the occurrence, thereafter the informant came to the place of occurrence and gave information to the police.

4. The learned counsel for the petitioners submits that petitioner no.1 is step brother of Radheshyam Paswan. It is further submitted that Jeevach Paswan had two wives, from the first wife petitioner no.1 was born and from the second wife Radheshyam Paswan was born. It is next submitted that petitioner no.2 is wife of petitioner no.1 and the informant alleges that Kajal and Krishna Kumar after committing the occurrence informed petitioner no.1 and thereafter the accused in connivance tried to conceal the evidence by portraying as if the deceased had committed suicide. It is further submitted that Krishna Kumar is cousin brother of Radheshyam Paswan and petitioner no.1. It is next submitted that from perusal of the allegation as alleged in the F.I.R, it would manifest that the



same does not disclose that on what basis the informant came to know that the occurrence was committed by Kajal and Krishna Kumar as the informant himself alleges that he was also informed about the occurrence and thereafter he came to the place of occurrence and informed the police. It is further submitted that since the sister of the informant is married to Radheshyam, who is step brother of petitioner no.1, as such, the informant implicated his family members. It is also submitted that the postmortem of the deceased was done and the same reported that the death was on account of CR failure but then the final opinion was reserved till the report of F.S.L. is not received.

5. Learned A.P.P. submits that the copy of the case diary has been received but then the F.S.L. report till date has not come and the postmortem report records the cause of death due to CR failure but final opinion shall be given only after receiving the F.S.L. report, on which, the learned counsel for the petitioners submits that from perusal of the postmortem report, it would manifest that the cause of death is not on account of asphyxia either by strangulation or hanging, which further demolishes the allegation of the informant. It is next submitted that during the course of investigation, the entire allegation



hinges around suspicion that petitioners were involved in the occurrence but then no material transpired during the course of investigation to even remotely suggest that on what basis the informant came to know about the involvement of the petitioners in the occurrence, as such, it is submitted that the entire allegation hinges around suspicion. It is also submitted that petitioners will not abscond rather will co-operate in the investigation to prove their innocence.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Supaul in connection with Kishunpur P.S. Case No.191/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance to this court are not co-operating in the investigation in that event the learned trial court shall be at



liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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