

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.511 of 2025

Arising Out of PS. Case No.-235 Year-2024 Thana- SAKRA District- Muzaffarpur

Chhotu Paswan Son of Late Vinod Paswan Resident of Village - Jagdishpur
Baghnagri, P.S. - Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 24-04-2025 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 Sakra P.S. Case No. 235 of 2024 registered for the offences punishable u/s 147, 148, 149, 302 read with Section 34 of the I.P.C.

3. As per the prosecution case, the informant, namely, Sudha Devi has alleged that her husband has a chicken shop and due to some disputes, the 13 named accused persons including the petitioner along with 50 other persons, had come to the shop of her husband and started assaulting him. The husband of the informant tried to flee, however, he was dragged from another shop and was constantly assaulted by the aforesaid persons and subsequently he died.



4. Learned counsel for the petitioner has submitted that from perusal of the FIR it would suffice that the date of occurrence was 21.04.2024 while the post-mortem was done on 22.04.2024 and the cremation was also done on the same day i.e., 22.04.2024, however, as an afterthought, the present case has been lodged. It is further submitted that there is no specific allegation against the petitioner and there is a general and omnibus allegation of assault against all the accused persons. It is next submitted that the post-mortem report has completely falsified the statement made in the FIR as no ante-mortem injuries were found and the death was said to be asphyxia due to hanging. It is lastly submitted that the petitioner has clean criminal antecedent and is in custody since 01.09.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that there is an allegation against the petitioner being involved in killing of the husband of the informant along with other co-accused persons, hence, he does not deserve the liberty of bail.

6. Considering the aforesaid submissions of the parties and taking into account the fact that the allegation of assault by the petitioner and 50 other is not being proved from the perusal of the post-mortem report and also the fact that there



is general and omnibus allegation against all the accused persons and coupled with the fact that the petitioner is in custody since 01.09.2024, let the petitioner above-named be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Muzaffarpur, in connection with Sakra P.S. Case No. 235 of 2024.

7. The application stands allowed.

(Sourendra Pandey, J)

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