

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6773 of 2015

Arising Out of PS.Case No. -288 Year- 2014 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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1. Kamendra Paswan son of Ram Dev Paswan
2. Nitish Paswan son of Umesh Paswan, Both Residents of Village-
Mohiuddinpur, Police Station- Rahui, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. M.K. Nirala (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-03-2015 Heard both sides.

The petitioners seek bail in Rahui P.S. Case No. 288/2014 registered for the offence under Section 302 and other sections of the Indian Penal Code.

The informant Bachchu Paswan made specific allegation that while he was returning along with his wife, the petitioner and others came and brutally assaulted his wife with sharp edged weapons.

Learned counsel for the petitioners submit that Sikandar Paswan earlier lodged Bihar P.S. Case no. 3/2014 and he made very specific allegation against Kunal Paswan and Shailendra Paswan that they fired due to which Sikandar Paswan

succumbed to injuries later on. Kunal Paswan is the son of the present informant. There is no specific allegation of assault against the petitioners.

On the other hand, the learned counsel for the informant and learned A.P.P. vehemently opposed the prayer for bail.

On perusal of the record, it appears that the informant made allegation against the petitioner that they all assaulted the deceased with sharp weapons. Many sharp cut injuries were found on the body of the deceased. Head, neck, right temporal right parietal and occipital bones and meninges underneath the wounds brain and meninges were cut through and through.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within one and half year from the date of receipt/production of a copy of this order, if the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail firstly in the trial court.

(Prabhat Kumar Jha, J.)

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