

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37964 of 2015

Arising out of PS.Case No. -14 Year- 2008 Thana -AANTI District- GAYA

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Ranjit Paswan, Son of Shiv Nandan Paswan, resident of village - Adopur,
Police Station Anti and District – Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate.

For the Opposite Party : Mr. Madan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 10.05.2015
in connection with Anti P.S. Case No. 14 of 2008 for the offences
instituted under Sections 341, 323, 307 and 504/34 of the IPC.
Later on, Section 302 IPC is also added.

The prosecution story, in brief, is that about four months
back, one Rajesh Paswan told the informant to say his Samdhi
Nathun Yadav to help in treatment as he has secure of money. It is
said that the informant wrote a letter to Nathun Yadav and Nathun
Yadav gave treatment to her mother for which rupees One
thousand five hundred was due upon him. It is said that on
14.05.2008 at about 1.00 P.M., the informant went to demand the



due money of his Samdhi Nathun Yadav then Ranjit Paswan told to return money whenever he will have money. It is said that when the informant told Ranjit Paswan why you are not returning even after to meet time then hot talks started and he started abusing. It is then said Deepak Paswan, Brajnandan Paswan caught him and told to assault. It is said that Ranjit Paswan assaulted him by *Lathi* due to which he sustained injury over his head and he raised alarm. It is said that on alarm, his wife Dhaneshwari Devi came to save him then Bideshi Paswan and Sujit Paswan came there and started assaulting him and his wife. It is said that Ranjit Paswan assaulted his wife Dhaneshwari Devi by *Lathi* with intention to kill her over her head and she sustained fracture injury. It is then said when the villagers started to assemble then they fled away.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 10.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. From perusal of paragraph nos. 94, 95, 96 and 97 of the case diary it is evident that the alleged occurrence took place due to hot exchange of words between the parties and there it is being said that the petitioner had given a single *Lathi* blow on the head of the deceased.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and there is specific allegation against the petitioner of giving *lathi* blow on the head of the deceased due to which the deceased succumbed to death. The postmortem report in paragraph no. 83 and the injury report in paragraph no. 75 of the case diary also support the allegations made in he FIR.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Anti P.S. Case No. 14/2008, pending in the court of the learned C.J.M., Gaya. Anyhow, the Trial Court is directed to take all necessary steps to expedite the trial and conclude the same preferably within a period of one year from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)