

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47681 of 2015

Arising Out of PS.Case No. -104 Year- 2014 Thana -BARGANIA District- SITAMARHI

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1. Uma Paswan @ Umashankar Paswan Son of Late Karik Paswan Resident of Village - Damarwana, P.S. Bairagania, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Surendra Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-12-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Sessions Trial No. 63 of 2015 arising out of Bairagania P.S. Case No. 104 of 2014 registered for the offence punishable under Section 302/34 of the Indian Penal Code, pending in the Court of learned A.D.J.-III, Sitamarhi..

Allegedly, Umesh Passwan the son of the informant was killed by assaulting on his head and it has been suspected that the petitioner and co-accused Paro Devi have killed him after assaulting him with handle of hand pump.

Submission is of false implication and that there is no eye-witness of the occurrence and only on suspicion the petitioner

has been named. There is no evidence against the petitioner and he is suffering in custody since 27.05.2014 and as such he deserves sympathetic consideration.

Learned APP opposed prayer for bail by submitting that witnesses Sunita Devi, Basanti Devi and Pramod Paswan vide para 10, 11 & 12 of the case dairy have stated that they have seen the petitioner with handle of hand pump having blood stain and further the petitioner confessed that he had killed Umesh.

In the facts and circumstances stated above, considering that the petitioner was seen with blood stain handle of hand pump just after the occurrence and further he has confessed before those witnesses and as such this court is not inclined to enlarge the petitioner on bail. Accordingly, his such prayer stands rejected.

However the trial Court is directed to expedite the trial and conclude the same preferably within nine months.

Rajiv/-

(Jitendra Mohan Sharma, J)

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