

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35088 of 2017

Arising Out of PS.Case No. -137 Year- 2017 Thana -DHANARUA District- PATNA

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Lalbabu Paswan son of Ajit Paswan resident of village - Barki Dhamaul,
Police Station Dhanarua, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the State : Mr. Anant Kumar, APP

For the Informant : Mr. Binod Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
06.04.2017 in connection with Dhanarua P.S. Case No. 137 of
2017 pending in the Court of learned Sub-Divisional Judicial
Magistrate, Masaurhi, Patna registered for the offence punishable
under Section 302 and other allied sections of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he was harvesting pulse in his field, he got information
that some accused persons have come to his house and are
abusing. When he reached his house, nine accused persons,
including petitioner variously armed with lathi-danda and other



weapons were standing out side the house. Allegation upon the petitioner is that he along with Ram Pravesh Paswan ordered and Ajit Paswan fired from his pistol on the son of the informant on the back of the head, who succumbed to the injuries. The occurrence took place due to land dispute.

It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been committed by him and there is no direct allegation of firing upon the petitioner. He submits that there was a long drawn land dispute between the parties and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that the petitioner along with Ram Pravesh Paswan was not only the order giver, but was also a conspirator, who instigated their father, Ajit Paswan to kill the informant's son. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is, accordingly,



rejected.

However, petitioner may renew his prayer for bail
after framing of charge.

(Nilu Agrawal, J.)

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