

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43498 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -CHIKSAUR District- NALANDA
(BIHARSHARIFF)

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1. Shiv Nath Paswan son of Masudan Paswan, resident of Village-
Makrouta, Police Station- Chiksoura, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
20.01.2017 in connection with Chiksoura P.S. Case No. 07 of
2017 for offences punishable under Sections 364, 120-B, 34 of the
Indian Penal Code. Later on Section 302 of the IPC has been
added.

The prosecution case, as lodged by the informant, is
that his son Sanjeev Kumar had come to the village and went out
of the house but did not return. It is alleged that since the
informant's son was having illicit relationship with the daughter of
one Manoj Paswan, namely, Priyanka Devi, the petitioner along



with others have kidnapped his son, whose body was later on found buried near the river.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and no specific allegation has been levelled against him. He submits that just because he is brother of Manoj Paswan, he has been dragged in the aforesaid offence. He further submits that the husband of said Priyanka Devi has not made any specific allegation against the petitioner in his confessional statement and although the date of occurrence is 19.01.2017 the dead body was recovered after more than two months i.e. on 21.03.2017. It is submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel appearing for the informant and learned APP for the State vehemently oppose the prayer for bail stating therein that the petitioner along with family members and the husband of Priyanka Devi has killed the informant's son and disposed off the dead body. He further submits that trial has commenced bearing Trial No. 567 of 2017 and the matter is pending before the learned ADJ-I, Nalanda at Biharsharif.

Considering the facts and circumstances and the



materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Chiksoura P.S. Case No. 07 of 2017, pending in the court of learned Addl. District and Sessions Judge 1st, Nalanda at Biharsharif.

Application is, accordingly, rejected. However, the court below is directed to conclude the trial within six months. Petitioner is at liberty to renew his prayer for bail after six months if trial is not concluded by that time.

(Nilu Agrawal, J)

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