

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48814 of 2016

Arising Out of PS.Case No. -144 Year- 2016 Thana -BIBHUTIPUR District- SAMASTIPUR

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1. Shyamdeo Paswan Son of Jaddu Paswan Resident of Village- Madhopur,
P.S.- Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-01-2017 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor.

The application is for grant of bail in connection
with Bibhutipur PS case no. 144/2016 for the offence under
Section 307 and other sections of the Indian Penal Code.

It has been submitted on behalf of petitioner that
from perusal of the FIR, it appears that petitioner had no intention
to kill the deceased and no case under Section 302 of Indian Penal
Code is made out. It is further submitted that statement of one
witness Rita Devi has been recorded during investigation of case
who has stated that all the accused persons assaulted the
informant. It is further submitted that no specific allegation has
been alleged against the petitioner and he is in custody since



14.06.2016.

Heard learned A.P.P. and learned counsel for informant also. Learned counsel for informant submitted that there is direct allegation of assault which caused death of deceased.

Having heard both sides. It appears that there is direct allegation of assault by *lathi* on the head of informant, due to which, he died. As such, I am not inclined to enlarge the petitioner on bail. Accordingly, application for bail is rejected. I come to know that the case has not yet been committed to the Court of Sessions. Learned court below is directed to expedite the commitment of the case of the petitioner and consequently expedite the trial of the petitioner.

With these observations, this bail application is dismissed.

(Vinod Kumar Sinha, J.)

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