

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36345 of 2018**

Arising Out of PS. Case No.-178 Year-2017 Thana- SURYAGARHA District- Lakhisarai

Makeshwar Paswan, Son of Late Jagdish Paswan, Resident of Village-  
Shaidpura, P.S.- Surajgarha, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Arun Kumar

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4      28-08-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 302/34 of the Indian Penal  
Code.

Initially the F.I.R. named accused persons including  
the petitioner started assault to the husband of the informant in  
presence of the informant and in that course the petitioner  
allegedly caused injury at the stomach of the husband of the  
informant with *Hasua* (a sharp penetrating weapon of cut), as a  
result whereof the husband of the informant died. The  
postmortem report would reveal that the Doctor has found  
multiple damages of the internal organs, including the kidney as  
well as small intestine due to injury to the deceased.



Learned counsel for the petitioner submits that petitioner is in custody since 07.10.2017. Even, if the prosecution allegation is assumed to be correct this may be a case of culpable homicide because occurrence took place in a sudden fight without premeditation, as the petitioner was not carrying weapon with himself when he reached at the place of occurrence.

Considering the nature of allegation, I am not inclined to enlarge the petitioner, above named, on bail for the present. Hence, his prayer for bail is *refused* in connection with Sessions Trial No.30 of 2018, arising out of Surajgarha Police Station Case No.178 of 2017 pending in the court of learned Sessions Judge, Lakhisarai.

The petitioner may renew his prayer for bail, if the trial is not concluded within nine months from the date of receipt/production of copy of this order.

The learned trial court is directed to expedite the trial.

**(Birendra Kumar, J)**

abhishek/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

