

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60182 of 2017

Arising Out of PS.Case No. -84 Year- 2017 Thana -MAHESHKHUNT District- KHAGARIA

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Sanjay Paswan Son of Mahendra Paswan Resident of Village Leba, Police
Station Maheshkhunt, District Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr. Sri Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 18-01-2018

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Victim/deceased aged about ten years was given a
stone blow by the petitioner over quarrel having in between his
son along with the deceased during course of playing cricket.

Learned counsel for the petitioner has submitted
that informant is not an eye witness to occurrence. It has also
been submitted that there was no intention or knowledge at the
end of the petitioner that pelting of stone will ultimately cost
life of the deceased. It has also been submitted that the
allegation whatsoever may be, does not come within the
purview of Section 302 of the IPC, so considering the period of
detention, petitioner be released on bail.

On the other hand, the learned Additional Public
Prosecutor opposed the prayer and submitted that any
observation at the present moment will affect the trial.

During course of postmortem, doctor had found on
external examination bruise mark in left side of occipital region of
scalp back side of ear of size 2"x1". On internal examination there



was compound fracture of skull bone at occipital region whereupon blood was found in skull cavity as well as laceration of brain.

The impact suggest that it was forceful blow which depicts the action of the petitioner and that being so, prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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