

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50797 of 2018

Arising Out of PS.Case No. -87 Year- 2018 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Girgit Paswan, S/o Late Banhu Paswan,
2. Gaudam Devi @ Gaudami Devi W/o Girgit Paswan, Both are R/o Vill.-
Trilokwa, P.S.- Shikarpur, District- West Champaran. Petitioner/s
Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner : Mr. Sanjay Kumar No.-7

For the State : Mr. Nityanand Tewary, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 18-09-2018 Heard learned counsel for the petitioners and learned APP for
the State.

The petitioners seek bail in a case registered under
Sections- 302, 307, 323, 34 of the Indian Penal Code.

The prosecution case, in brief, is that in the backdrop of
grazing the field of sugarcane by goats, an altercation took place.
Thereafter, the accused persons are alleged to have assaulted the
informant's son by means of log of wood, who in course of
treatment, died.

It has been submitted on behalf of the petitioners that the
petitioners are in custody since 17-03-2018 and they have got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioners. Charge sheet has already
been submitted in this case. The alleged occurrence is said to have



taken place as the goat was grazing the field of the informant, whereupon, the petitioners are said to have assaulted the son of the informant with wood, which was lying in the field. There is no pre- meditation of mind nor there is any intention to show that the petitioner wanted to kill the deceased. The alleged occurrence is said to have taken place in a spur of moment. It is at best a case for an offence under Section 304 of the Indian Penal Code. The petitioner No. 2 is a lady. As per allegation in the FIR, both the petitioners are alleged to have assaulted on the head but the postmortem report does not corroborate the allegation made in the FIR.

On behalf of the State and counsel for the informant, it is submitted that the petitioners are named in the Complaint Case/F.I.R. and they are alleged to have assaulted on the head of the deceased in course of occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner at this stage. Accordingly, prayer for bail of the petitioners in connection with Shikarpur P.S. Case No. 87 of 2018 is rejected.

(Sudhir Singh, J)

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