

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35342 of 2019

Arising Out of PS. Case No.-133 Year-2008 Thana- NALANDA District- Nalanda

PRAMOD PASWAN S/O Late Bhaju Paswan R/O Village- Mehudi Nagar,
P.S.- Nalanda, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 09-08-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Nalanda P.S. case no. 133
of 2008, Gr. No. 2798 of 2008 instituted for the offence under
Section(s) 302/34 of the Indian Penal Code and section 27 of
the Arms Act .

In the written report, it is alleged that there is direct
allegation against this petitioner of causing firearm injury to
brother of informant, on account of which, he died on the spot.

Learned counsel for petitioner submits that police
during investigation, submitted final form in the case as lack of
evidence.

Case diary has been received, wherein, postmortem
report of deceased is available.



Learned APP after looking into the postmortem report submits that doctor has found fire arm injury which fully supports the allegation against the petitioner made in the written report.

Learned counsel for petitioner submit that Court below has taken cognizance against petitioner after differing with final form for the offence under Section 302/34 of the IPC and Section 27 of the Arms Act.

There is specific allegation against the petitioner which gets support from postmortem report. Therefore, this Court is not inclined to grant bail to the petitioner at this stage. The prayer for bail of the petitioner stands rejected.

Trial Court is directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of nine months from the date of receipt of copy of this order.

Petitioner may renew his prayer for bail in the event trial is not concluded within the aforesaid period.

(Sanjay Priya, J)

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