

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69312 of 2018

Arising Out of PS. Case No.-86 Year-2018 Thana- KHAGAUL District- Patna

Arbind Paswan, Son of Late Ramprit Paswan, Resident of Village-Mangal Akhara, P.S.-Malsalami, Dist.-Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Nagendra Kumar, Advocate.

For the Opposite Party : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

10 23-07-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 06.06.2018 in a case for the offence registered under Sections 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 09.04.2018, the informant along with her husband and one Arun Kumar was coming to Dalluchak on a Scorpio vehicle and when she reached near Rampur More, 6-7 persons, namely, Rajendra Singh, Brijnandan Singh, Arvind Mahto, Arvind Paswan (petitioner), Amit Kumar and Sidhnath Ram lashed with arms and ammunition surrounded the vehicle. The informant further alleged that Arvind Mahto and Arvind Paswan (petitioner) fired on the informant's husband as a result of which, the husband of



the informant sustained fire arm injury and consequently died. Thereafter, all the accused persons fled away.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case due to land dispute. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Both parties are property dealer and for business rivalry the alleged occurrence is said to have taken place. The petitioner has already remained in custody for one year.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. The informant is an eye witness to the alleged occurrence. As per the F.I.R., the petitioner is alleged to have fired upon the deceased due to which, he succumbed to injuries. The statement of other companion to the deceased, namely, Arun Kumar, has been recorded in paragraph no. 36 of the case diary. The said witness is also an eye witness to the alleged occurrence who has supported the allegation made in the F.I.R. The petitioner is said to be assailant of the deceased. There are five criminal cases pending against him.

Considering the aforesaid facts and circumstances, I



am not inclined to grant bail to the petitioner. The same is rejected in connection with Khagaul P.S. Case No. 86 of 2018, pending in the court of learned A.C.J.M. Danapur, Patna.

The court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J)

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