

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21402 of 2020

Arising Out of PS. Case No.-66 Year-2019 Thana- SAHAJITPUR District- Saran

PAWAN SINGH, aged about 21 years, Gender-Male, Son of Prithvi Singh,
Resident of Village- Najima, P.S.- Sahajitpur, Distt.- Saran at Chapra.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Bindhayachal Singh, Advocate and Mr. Vipin Kumar Singh, Advocate.
For the Opposite Party	:	Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 19-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 147, 148, 149, 307 and 302 of the I.P.C.

The prosecution story, in brief, is that Pawan Singh (petitioner) and co-accused Rajesh Kumar Singh came to the house of the informant on 21.05.2019 at about 8.30 P.M., and took away his cousin, Sanjeev Kumar Singh. The informant



disclosed this fact to his uncle. In course of search, the informant and his uncle saw that Chandan Singh and Pintu Singh were assaulting Sanjeev Kumar Singh with *Farsa* near Manupali More causing severe injuries to him. When they tried to save Sanjeev Kumar Singh, on instigation of co-accused Ajit Singh and Uma Shankar Tiwari, Pawan Singh (petitioner) and co-accused Mithun Pratap Singh assaulted the uncle of the informant with *Farsa* and *rod* respectively causing injuries on his head, as a result of which, he died. When the informant and his brother tried to save their uncle they were also assaulted. Rajesh Singh @ Guddu came there on alarm and witnessed the occurrence. The informant claims that he could identify 4-5 unknown persons present during the occurrence. The brother of the informant was admitted in hospital at Patna for better treatment. The alleged occurrence took place due to demand of pending money.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 15.06.2019. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It has



further been submitted on behalf of the petitioner that it is a case of road accident. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. The petitioner is one of the assailants who has given *Farsa* blow on the head of the deceased. The postmortem report also corroborates the allegation made in the F.I.R.

Considering the nature of allegation, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sahajitpur P.S. Case No. 66 of 2019, pending in the court of learned A.C.J.M.-VIth, Saran at Chapra.

Learned court below is directed to take all necessary steps to conclude the trial at the earliest.

(Sudhir Singh, J)

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