

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71198 of 2019

Arising Out of PS. Case No.-98 Year-2019 Thana- LAUKAHA District- Madhubani

BIHARI PASWAN, aged about 55 years, Male, Son of Late Rameshwar Paswan, Resident of Village- Madhopur, P.S.- Laukaha, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mr. Shashank Shekhar, Advocate Mr. Arya Achint, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Ashok Kumar, Advocate Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-03-2020 Heard Mr. Ajay Kumar Thakur, the learned counsel appearing on behalf of the petitioner, the learned Additional Public Prosecutor and the learned counsel for the informant.

The petitioner seeks bail in Laukaha P.S. Case No.98 of 2019, registered under Sections 147, 148, 149, 302, 323, 324 and 504 of the Indian Penal Code.

The informant, husband of the deceased, alleged that a proceeding under Section 144 Cr.P.C. was initiated and for that on 22.04.2019 in the morning when the brother of the informant had gone outside his house to ease out, the accused persons, 15 in numbers, assaulted Ramawatar Paswan, the brother of the informant. The informant and others went to the place of



occurrence and took Ramawatar Paswan to hospital for treatment but in the meantime, Kaushila Devi, the wife of the informant, went outside her house. Bishun Paswan is alleged to have assaulted the wife of the informant with *farsa*, Kapil Paswan and Bihari Paswan are alleged to have assaulted Kaushila Devi, the wife of the informant, with iron rod. Consequently, Kaushila Devi died on the spot.

Learned counsel for the petitioner submits that Bishun Paswan is alleged to have assaulted with *farsa*. He has already been granted bail. The informant is not an eye witness of the occurrence. Most of the witnesses during the course of investigation submits that the occurrence took place on 21.04.2019. Annexure-4 shows that the deceased Kaushila Devi was treated in hospital but she did not get any apparent injury. It is further submitted that most of the witnesses has stated that both sides entered into mutual assault on account of land dispute.

On the other hand, the learned Additional Public Prosecutor as well as the learned counsel for the informant vehemently opposed the prayer for bail.

It appears that the informant alleged that Bishun Paswan assaulted the deceased with *farsa* and Kapil Paswan and



Bihari Paswan, the petitioner, are alleged to have assaulted the deceased, Kaushila Devi with iron rod and from perusal of the postmortem report, it appears that Kaushila Devi got two injuries on head caused by hard and blunt object and on account of the two injuries, Kaushila Devi died.

Taking into consideration the facts, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to conclude the trial within one year from the date of receipt of this order. If the trial is not concluded within one year, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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