

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.87353 of 2019**

Arising Out of PS. Case No.-23 Year-2018 Thana- RISIYAP District- Aurangabad

BUDHAN PASWAN Son of Abhilakh Paswan Resident of Village- Badhka  
Gawn, P.S.- Risiup, Distt- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                      |
|----------------------------|----------------------|
| For the Petitioner/s :     | Mr.Gagan Deo Yadav   |
| For the Opposite Party/s : | Mr.Upendra Kumar     |
|                            | Mr. Ashok Kumar, APP |

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      27-05-2020      Heard Mr. Gagan Dev Yadav and the learned APP for the  
State.

The present petition is a second attempt at the behest of the petitioner for grant of regular bail inasmuch as the earlier petition of the petitioner for grant of anticipatory bail bearing Criminal Miscellaneous No.53830 of 2018 was dismissed by an order dated 2.11.2018 by a coordinate Bench of this Court in connection with Risiup P.S. Case No. 23 of 2018 under Sections 341, 323, 324, 379, 307/34 of the Indian Penal Code and later on Section 302 was also added.

The case of the prosecution in brief is that on 19.4.2018 at about 6 am. in the morning, the mother of the informant, namely, Sumitra Devi had gone to the open field situated near



the house of the informant for some work whereupon she saw that the cow dung kept there, was missing, hence, she raised an alarm whereupon the accused persons including the petitioner herein arrived there and started abusing the mother of the informant as also started assaulting her whereupon the father of the informant came there, however, the accused persons had also assaulted him by means of stick, khanti, rod etc. and subsequently, the petitioner herein had assaulted the father of the informant on his head by means of khanti resulting in breaking of his head whereafter he fell down and became unconscious and then the informant had arrived there and he was also assaulted by the accused persons resulting in the informant receiving serious injuries. On alarm being raised, the co-villagers had arrived there and taken the injured to the hospital. The father of the informant had subsequently died.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is languishing in custody since 25.6.2018 and there is not much progress in the trial and the same is not likely to be concluded in the near future.

Per contra, the leaned APP for the State has submitted that there is no change in the circumstances so as to warrant reconsideration of the prayer of the petitioner for grant of



regular bail.

I have heard the learned counsel for the parties and from the records, it appears that the learned court of Additional District and Sessions Judge, VIII, Civil Court, Aurangbad has submitted a report dated 3.2.2020 wherein it has been stated that after framing of charge, the evidence of the prosecution has begun.

Having regard to the facts and circumstances of the case, considering the materials on record, this Court finds that there is no change in the circumstance, from the date the prayer of the petitioner for grant of regular bail was rejected by a coordinate Bench of this Court vide order dated 2.11.2018 till date, so as to warrant reconsideration of the prayer of the petitioner for grant of regular bail, hence, the present petition stands dismissed, being bereft of merit, moreso in view of the fact that the petitioner is the main assailant, who had assaulted the father of the informant on his head by khanti resulting in his death.

**(Mohit Kumar Shah, J)**

Ajay/-

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