

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13823 of 2021**

Arising Out of PS. Case No.-379 Year-2019 Thana- GRIYAK District- Nalanda

Upendra Paswan @ Bhunna S/O Jalim Paswan Resident Of Village Rupaspur,
P.S Giriya, District-Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4. 24-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Giriya P.S. Case No. 379 of 2019, registered for the offence under Section 302 of the Indian Penal Code.

As per the prosecution case, on 08.10.2019 at about 1:30 PM, this petitioner came in drunken condition and started abusing informant and when father of the informant objected, this petitioner is alleged to have assaulted him with *lathi*, as a result of which, he sustained injury and during course of treatment died.

It is submitted on behalf of petitioner that as per F.I.R., the alleged occurrence has taken place on 08.10.2019, but the F.I.R. has been lodged on 01.11.2019 and there is no



plausible explanation for delay. It is further submitted that actually, a scuffle was going on between petitioner and informant and when deceased (informant's father) came to pacify, he got injured and ultimately died. There was no intention of the petitioner to kill the father of informant. Petitioner is in custody since 17.06.2020.

However, learned A.P.P. for the State opposed the bail petition and submitted that there is specific and direct allegation against this petitioner that he assaulted the father of the informant, as a result of which, he died. The *post-mortem* report also supports the prosecution case.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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