

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12493 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana- BENIPATTI District- Madhubani

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SAROJ PASWAN Son of Prem Paswan Resident of Village - Lorika, P.S.-
Benipatti, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
For the State	:	Mr. Ram Sevak Chaudhary, APP
For the Informant	:	Mr. Ayush Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 366 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, the six named accused persons including the petitioner herein are stated to have assaulted the brother of the informant leading to his death. It is stated that the petitioner was carrying a *Barchhi* while other accused persons were carrying different arms. On being taken to the hospital the brother of the informant was declared dead.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. The postmortem report does not support the allegations in the FIR. Case of the petitioner stands on a similar footing to that of co-accused



who has been enlarged on bail. The petitioner is in custody since 13.6.2020, investigation in the case has concluded and the petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that there is specific allegation of overt act against the petitioner in the FIR as also in course of investigation which is corroborated from the contents of the postmortem report. Independent and other witnesses whose statements are recorded in paragraphs 11, 26, 31 and 32 of the case diary also support the allegation against the petitioner. The informant is an eye witness to the occurrence.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the allegations in the FIR and the materials that has transpired in course of investigation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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