

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14042 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- KARAKAT District- Rohtas

1. Dhanu Ram @ Dhanu Paswan Son of Faujdar Ram @ Faujdar Paswan Resident of Village - Manik Parasi, P.S.- Karakat (Gorari), District - Rohtas.
2. Faujdar Ram @ Faujdar Paswan Son of Late Tapeswar Ram @ Lorik Paswan Resident of Village - Manik Parasi, P.S.- Karakat (Gorari), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Adv.
Mr. Sada Nand Roy, Adv.

For the Opposite Party/s : Mr. Kumar Birendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 14-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred the instant application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, son of the informant who started from his home at about 10 pm did not return. On enquiry, it transpired that the nine named accused persons including the two petitioners herein took him to the house of the petitioner no.1 and the petitioner no.1 assaulted him with an iron rod on his head. Thereafter he was assaulted by the petitioner no.2 with iron rod followed by *lathi*, *danda* etc. He died in the



house of the petitioner no.1. The cause of occurrence is that the deceased son of the informant was having a love affair with the daughter of the petitioner no.1.

It is submitted by learned counsel appearing for the petitioners that the allegations as levelled in the F.I.R. are false and concocted. Admittedly, there are no eye witness to the occurrence. From perusal of the inquest report it would transpire that the same was prepared on 26.1.2020 at 5 am while the F.I.R. was registered at 8.30 am. It is further submitted that the allegation is of dead body being found in the house of the petitioner. From perusal of the sketch map provided in paragraph no.5 of the case diary, the place of recovery is an open space, not inside the petitioners' house. In case the petitioners had a hand in the occurrence, they would not have continued in their home from where they were arrested. Referring to the statement of the eye witness Ram Chandra Ram, it is submitted that accepting the statement of the said witness for the sake of argument, it would be a case of grave and sudden provocation. The petitioner no.2 is an old man aged 70 years suffering from various age related ailments. The petitioners are in custody since 27.1.2020, charge sheet has been submitted in the case and they have no criminal antecedent.



The application for bail is opposed by learned A.P.P. for the State who submits that not only the petitioners are named in the F.I.R, there is specific allegation of assault against these two petitioners leading to the brutal murder of the son of the informant and recovery of the body from the house of the petitioners. It is submitted that in course of investigation it has transpired that bloodstains were also found on clothes of the petitioners. The cause of occurrence as stated in the F.I.R. itself is a love affair between the deceased and the daughter of the petitioner no.1.

In view of the facts of the case together with the material that has transpired in course of investigation, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

Learned trial court is direct to expedite the trial.

(Partha Sarthy, J)

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