

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27404 of 2021

Arising Out of PS. Case No.-438 Year-2014 Thana- BIRAUL District- Darbhanga

Pawan Ram Son of Ramdeo Ram Resident of Village- Bairampur, P.S.-
Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr. Brijendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Biraul P.S. Case No. 438 of 2014 dated 24.12.2020 instituted for
the offences under Sections 302 and 34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 24.12.2020 and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that the
petitioner was made an accused in a case as mentioned in
paragraph '3' of the bail application in which the husband of the
present informant was made an accused.

Learned counsel for the petitioner submits that from



bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant Veena Devi alleges that on 24.12.2014 at around 8.00 pm when the informant after her dinner was going to sleep, suddenly the accused persons, named in the F.I.R., including the petitioner arrived at her place armed with iron rod, *lathi*, *khanti* etc in connection with a previous land dispute started assaulting the informant. It is further alleged that petitioner Pawan Ram with the help of *lathi* assaulted the informant on her back and arm and further the accused persons who had accompanied Pawan Ram assaulted the mother-in-law of the informant with iron rod as a result of which she sustained injury on her head and died on the spot.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the petitioner is not alleged to be the assailant rather it is alleged that it were the accused who accompanied him and assaulted the deceased with iron rod on head.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the informant in her reinstatement has specifically stated that it was this petitioner along with others who assaulted the deceased with iron rod leading to her instant death.



Considering the fact that in the F.I.R. the petitioner is not alleged to be the assailant but the informant in her reinstatement alleges that it was the petitioner along with other co-accused who assaulted the informant and her mother-in-law leading to her death, this Court for the present is not inclined to grant privilege of regular bail to the petitioner, however, liberty is granted to the petitioner to move the Court for renewal of his prayer after the charges are framed.

(Satyavrat Verma, J)

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