

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25935 of 2020

Arising Out of PS. Case No.-69 Year-2019 Thana- RATANPUR District- Supaul

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Shankar Paswan, male, aged about 45 years, Son of Sri Bishundeo Paswan,
Resident of Village - Baurahwa, Ward No. 13, P.S. - Ratanpura, District –
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vindhya Kesari Kumar, Sr. Adv.
For the Informant	:	Mr. Suraj Kumar, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 18-01-2021 Heard Mr. Vindhya Kesari Kumar, learned Senior

Advocate for the petitioner and Mr. Suraj Kumar, learned

counsel for the informant. The State is represented by Mr.

Ram Priya Sharan Singh, learned APP.

The petitioner, who is in custody since
06.12.2019, seeks bail in connection with Ratanpura P.S.
Case No. 69 of 2019, dated 20.11.2019, instituted for the



offences under Sections 302 and 34 of the Indian Penal Code.

The informant is the son of the deceased, who has alleged that his father (deceased) had gone to the house of the petitioner for bringing the money which he had given to him. Later, his dead-body was recovered.

Mr. Vindhya Kesari Kumar, learned Senior Advocate appearing on behalf of the petitioner has submitted that except for the deceased having been seen at the house of the petitioner a night before his dead-body was recovered, there is no other material to connect him with the crime. He has further submitted that the allegation of the deceased having given money to the petitioner has also not been substantiated by any oral or documentary evidence. He further submits that except for this vague suspicion that perhaps the deceased could have been killed in order to misappropriate the money which was required to be returned to the deceased, there is no other material to justify further incarceration of the petitioner.

As opposed to the aforesaid contention, learned



counsel for the informant has drawn the attention of this Court to the fact that when the house of the petitioner was searched and inspected, blood stained sand was found. The blood stains were also found in the back seat of the vehicle belonging to the petitioner.

Mr. Vindhya Kesari Kumar, learned Senior Advocate has however submitted that finding of blood spots would not *ipso facto* link the petitioner with the offence of committing murder of the deceased. He has further submitted that the blood stains which were found from the house as well as the vehicle of the petitioner were never matched with that of the deceased.

Learned counsel for the informant has further submitted that the tower location of the petitioner also corroborates that the petitioner as well as the deceased were together at some place.

The aforesaid contention of the informant has also been refuted by the counsel for the petitioner by submitting that the tower location of the deceased has not been ascertained and, therefore, merely on the



presumption that the petitioner had gone to some distance, the link between the offence and the offender cannot be forged and completed.

However, in view of the fact that the deceased had visited the house of the petitioner and only the next day his dead-body was found as also the background fact that the petitioner had taken money from the deceased and the deceased had gone to demand the same from the petitioner, I am not inclined to grant bail to him for the present.

The prayer for grant of bail of the petitioner is, accordingly, rejected.

This Court had called for a report about the stage of the case from the Court below, which report has since been received.

It appears from the report that the case is pending for compliance of Section 207 Cr.P.C. and for the commitment of the case to the *Court of Sessions*.

This Court, in view of the aforesaid report, directs that the trial of the petitioner shall be commenced



forthwith and be concluded within a reasonable period of time, preferably within a period of nine months from the date of receipt/production of a copy of this order.

If there is no substantial progress in the trial, the petitioner would be at liberty to approach the Trial Court for grant of bail and in that event, the Trial Court would be required to state the reasons for non-conclusion of the trial within the aforesaid period.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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