

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30878 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- JAMOBABAZAR District- Siwan

NAND KISHORE RAWAT, aged about 38 years, Gender-Male, Son of Rajendra Rawat, Resident of Village-Sultanpur Khurd, P.S.-Jamo Bazar, District - Siwan.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ashok Kumar, Advocate.

For the Opposite Party : Mrs. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-01-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 341, 323, 324, 307 and 302/34 of the I.P.C.

The prosecution story, in brief, is that on 29.03.2020 at about 5.00 A.M., the informant's *Pattidar* Nand Kishore Rawat (petitioner), Rajendra Rawat, Ram Ayodhya Rawat @ Mister Rawat, Akash Kumar Rawat, Shivji Rawat, Timal Rawat, Chinta Devi, Ramshakhi Devi, Vikky Kumar and Panpati Devi, wife of Mister Rawat, variously armed came and started threatening the informant to leave the land, when he protest Nand Kishore Rawat (petitioner) gave the



Tangi blow on the head of Dhanapati Devi due to which, she became seriously injured. Mister @ Ram Ayodhaya Rawat assaulted by rod bow that caused the fracture of the leg. Other accused persons assaulted by means of *Rod*, *Lathi*, and *Danda* beside Dhanpatti Devi, Rajal Devi and Haresh Rawat were also assaulted by Kashi Rawat by means of *Rod*. It is further alleged that the wife of Kashinath gave *Garashi* blow on the head of Haresh Rawat. The wife of Mister Rawat and Kashi Rawat, Awadhesh Rawat also assaulted by means of *Lathi* and *Danda* due to the brutal assault of the accused persons, informant's wife Dhanapatti Devi succumbed to the injury in the Sadar Hospital, Siwan.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 23.04.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The allegation made in the F.I.R. is denied by the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. There is specific allegation of assault made by the petitioner on the head



of the deceased with *Tangi*. The postmortem report also corroborates the allegation made in the F.I.R.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Jamo Bazar P.S. Case No. 43 of 2020, pending in the court of learned A.C.J.M. XIII, Siwan.

The court below is directed to take all necessary steps to expedite the case and conclude the same preferably within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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