

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31440 of 2020**

Arising Out of PS. Case No.-322 Year-2019 Thana- WAJIRGANJ District- Gaya

PANKAJ KUMAR @ PANKAJ PASWAN @ PASWAN Son of Late Bhagwat
Paswan Resident of Village Manjhauli, P.S. - Wazirganj, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bikramdeo Singh, Adv.

Mr. Ajay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 08-01-2021 Heard both sides.

The petitioner seeks bail in Wazirganj P.S. Case No.322 of 2019 registered under Sections 147, 148, 149, 341, 323, 354, 379, 307 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code was added.

The informant, daughter of the deceased, alleged that on 14.09.2019 at about 10 in the morning, her father was constructing brick built house. In the meantime, Pankaj Kumar(the petitioner) and Balwant Kumar came and assaulted his father with Chappar and iron rod. His father got injury on head and fell down after becoming unconscious. It is further alleged that Phonu Kumar, Abhimanyu Kumar, Nitish Kumar, Ajanta Devi, Vina Devi, Saroj Devi, Sugia Devi, Sonam Kumari



and others assaulted the informant and her family members.

The learned counsel for the petitioner submits that there is a counter version being Complaint Case No.8319 of 2019. There is a bonafide land dispute between the two sides and on account of such, both sides entered into mutual assault on each other but unfortunately, the father of the informant got injuries on his head. There is no intention on the part of the petitioner to kill the father of the informant. There is no repetition of blow. Only two injuries, one is attributed to the petitioner and another is attributed to Balwant Kumar, were found on the head of the father of the informant. Petitioner is in jail since 17.03.2020. Petitioner has already remained in jail for about nine months but the learned A.P.P. vehemently opposed the prayer for bail and submitted that two persons including the petitioners are alleged to have assaulted the deceased with Chappar and iron rod. Two injuries were found on the head of the deceased.

It appears that petitioner is alleged to have assaulted with Chappar on the head of the deceased and Balwant Kumar is alleged to have assaulted with iron rod. From perusal of the post-mortem report, it appears that the father of the informant died on account of two injuries found on his head.



Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The S.S.P., Gaya is directed to ensure the attendance of the prosecution witnesses in the trial court so that the trial must be concluded within nine months.

If the trial is not concluded within nine months, the petitioner, if so advised, may renew his prayer for bail.

Let a copy of this order be sent to the trial court as well as the S.S.P., Gaya for information and needful.

(Prabhat Kumar Jha, J)

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