

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33962 of 2020

Arising Out of PS. Case No.-340 Year-2019 Thana- KALYANPUR District- Samastipur

Mahesh Paswan, aged about 35 years (male), son of Gopal Paswan, resident
of Village- Rampura, P.S.- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Narain Sinha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Jitendra Narain Sinha, learned counsel
for the petitioner and Mr. Jharkhandi Upadhyay, learned
Additional Public Prosecutor (hereinafter referred to as the
'APP') for the State.

3. The petitioner apprehends arrest in connection with
Kalyanpur PS Case No. 340 of 2019 dated 07.12.2019,
instituted under Sections 147, 148, 149, 307, 323, 325, 341, 504
of the Indian Penal Code in which Section 302 of the Indian
Penal Code was later added on 21.01.2020.

4. The allegation against the petitioner and others is
of assault on the husband of the informant, namely, Subodh
Paswan, and specifically against the petitioner is that he had



given iron blow on the head to which he later succumbed.

5. Learned counsel for the petitioner submitted that though in the FIR there is specific allegation of assault by iron rod on the head against the petitioner, but during investigation, the labourers, who were working there, have made general and omnibus allegation that the petitioner along with others had assaulted the deceased. It was submitted that initial two injury reports have not been produced before the investigating agency though he was taken to the local Health Center and from there he was taken to a private clinic at Patna. It was further submitted that the petitioner has no criminal antecedent.

6. The Court, in view thereof, had asked learned APP to obtain a specific report from the Superintendent of Police, Samastipur, with regard to such injury reports.

7. Learned APP submitted that the Superintendent of Police, Samastipur, has submitted such report and from the same, it is obvious that initially the husband of the informant, Subodh Paswan, was taken to Primary Health Center, Kalyanpur, where a lacerated wound on left parietal part of head was found, which was bleeding and the patient was unconscious and though he was referred to PMCH/IGIMS, but he was taken to Jai Shree Hospital in Patna and the report from



Jai Shree Hospital also indicates that the patient was brought in a state where he was unconscious and there was bleeding. Thus, learned APP submitted that the allegation in the FIR is fully corroborated by the injury reports and further, that there is specific and direct allegation of assault by iron rod on head attributed to the petitioner.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, the petition stands dismissed.

10. Interim protection given to the petitioner under order dated 09.04.2021 stands vacated.

(Ahsanuddin Amanullah, J)

J. Alam/-

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