

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2362 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- MALI District- Aurangabad

RAJENDRA PASWAN Son of Late Bhulan Paswan Resident of Village -
Bairiya, P.S. - Mali, District - Aurangabad (BIHAR). Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate.
For the State : Mrs. Rita Verma, APP
For the Informant : Mr. Yugal Kishore, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-05-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State through
virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 341, 323, 302,
120B & 504 of the Indian Penal Code.

Petitioner along with other co-accused by forming
a mob is said to have assaulted the father of the informant by
means of bamboo lathi on his head due to which he succumbed
to his injury, while he was eating egg at the shop. When the
informant rushed to rescue his father, he was also assaulted by
them.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He is quite
innocent and has been falsely implicated in this case due to dirty
village politics. He is neither named in the F.I.R. nor was



apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Seizure list witness, namely, Arun Ram does not support the prosecution version rather he has stated that all the accused persons including the petitioner have assaulted with lathi-danda on informant's father and no specific allegation was alleged against the petitioner. The petitioner has no criminal antecedent and has been languishing in custody since 12.03.2020.

Learned counsel for the informant and learned APP for the State vehemently opposing the bail petition submitted that there is direct allegation against the petitioner of assaulting the father of the informant and he succumbed to his injuries, hence the petitioner does not deserve bail.

In the facts and circumstances of the case and after perusing the case diary including the postmortem report, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected. However, the petitioner would be at liberty to renew his prayer for bail after nine months.

(Anjani Kumar Sharan, J)

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