

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5224 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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BHUSHAN PASWAN SON OF MAULU PASWAN @ CHANDRA MAULI
PASWAN LOKHO WARD NO 8, P.S. MUFASSIL (LAKHO) , DISTRICT-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, A.P.P.
For the Informant	:	Mr. Yogesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-06-2021 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the informant through

video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Begusarai Muffasil P.S.
Case no.178 of 2020 registered under sections 307, 341, 323,
324, 504, 448, 506, 354 and 34 of the Indian Penal Code to
which section 302 was added subsequently.

As per allegation in the FIR, it is stated that the six
named accused persons including the petitioner herein variously
armed, were abusing his niece. On the informant and his bhabhi
asking them not to abuse, it is stated that all the accused persons



started to assault. The petitioner with a *khanti* and co-accused Banti Paswan with an iron rod assaulted the informant on his head as a result of which he fell down unconscious. On regaining consciousness on 8.4.2020 he found that his niece had also been injured. Thereafter he lodged the case.

It is submitted by learned counsel for the petitioner that the allegations as leveled in the FIR are false and concocted. The petitioner has been falsely implicated in the case as a result of an afterthought. There is no satisfactory explanation for the delay of eleven days in lodging of the FIR. Against the assault by two persons only one injury has been found in the postmortem report. The death took place because of delay in treatment. The petitioner is in custody since 8.6.2020.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that there is direct allegation against the petitioner in the FIR which is supported by the material that has transpired in course of investigation as also from the contents of the injury report and postmortem report. The informant subsequently succumbed as a result of the said injury.

Having heard learned counsel for the parties and



taking into consideration the submission made on behalf of the parties, the direct allegation against the petitioner in the FIR which is supported by the contents of the injury report and postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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