

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6224 of 2021**

Arising Out of PS. Case No.-283 Year-2020 Thana- NAUBATPUR District- Patna

=====

RAJ KUMAR @ RAJ KUMAR PASWAN S/O- Sri Kailash Paswan R/V-
Malahi Khandha, P.S. - Naubatpur, Distt. - Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 07-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Naubatpur P.S. Case No. 283 of 2020 registered
for the offences punishable under Sections 341, 323, 504 and 34
of the Indian Penal Code. He is in custody since 10.06.2020.

Learned counsel for the petitioner submits that as per
prosecution story altogether five accused persons named in the
F.I.R. had been to the place of occurrence which is a
gairmajarua land in front of the house of the informant and as

the accused persons were trying to take possession of the said land and construct their house and the informant asked them not to do that because the same was 'rasta', all the accused persons started assaulting the father of the informant and by but of pistol they fractured the head of the informant's father and also injured the brother of the informant on his head.

Learned counsel for the petitioner submits that in course of investigation, in his reinstatement the informant alleged that this petitioner was having an axe in his hand and he had assaulted the father of the informant by the axe. It is submission that though the injury report has not come but the doctor conducting the post-mortem has noticed stitch wound over left side of the head and on dissection it has been found that the parietal bone were depressed and fractured and adjoining part of the brain was lacerated. One of the contention of learned counsel for the petitioner is that the post-mortem report refers the head injury allegedly caused by hard and blunt substance. It is submitted that the allegations against the petitioner are false and it has been made by way of improvement upon the earlier version.

On the other hand, Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for bail of the

petitioner. It is his submission that in course of investigation, informant and several other co-villagers whose statements are recorded in the case diary have stated that this petitioner had assaulted the deceased on his head by axe. The said injury has proved fatal causing death of the father of the informant.

Considering the facts and circumstances of the case, the gravity of the offences alleged and the submission of the learned A.P.P. for the State that several witnesses have supported the prosecution case in course of investigation, this Court is not inclined to release the petitioner on bail. The prayer for bail is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.