

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7630 of 2021

Arising Out of PS. Case No.-245 Year-2020 Thana- BARACHATTI District- Gaya

Sanjay Paswan Son Of Ramavtar Paswan Resident Of Village- Pater, P.S.-
Wazirganj, Distt- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha
For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-09-2021

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Barachatti P.S. Case No. 245 of 2020 registered for the offence punishable under Sections 342, 323, 325, 365, 452, 307, 379, 354, 34 and 302 of the Indian Penal Code.

Allegation against the petitioner is that he along with other two co-accused persons were beating father of the informant with *lathi* and *rod* and when the informant along with other two persons reached that place in search of father then the petitioner along with



other two co-accused started running away but the petitioner was apprehended by the informant and father of the informant was badly injured and died during the course of treatment.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He submits that the statement of the witnesses recorded by the police in the case record is not corroborating the statement made by the informant in the F.I.R.. He further submits that petitioner is residing at another village which is 50 *km* away from the place of occurrence. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail petition and he is languishing in custody since 05.05.2020.

Learned APP for the State opposing the bail petition submitted that petitioner was apprehended on the spot by the police and there is direct and specific allegation against the petitioner that he along with two other co-accused persons were assaulted father of the informant due to which he died during the course of his treatment.

In the facts and circumstances of the case, I am not inclined to grant privilege of bail to the petitioner in connection with Barachatti P.S. Case No. 245 of 2020 to the satisfaction of A.C.J.M. Sherghati, Gaya.



Accordinlgy, prayer for bail of the petitioner is hereby
rejected.

However, learned Trial Court is directed to expedite the trial.

(Anjani Kumar Sharan, J)

GAURAV S./-

U			
---	--	--	--

