

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11844 of 2021**

Arising Out of PS. Case No.-345 Year-2019 Thana- CHOUTARWA District- West
Champaran

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PRAMOD PRASAD @ PRAMOD KUMAR @ PRAMOD KUMAR
JAISWAL S/o Late Ram Prasad R/o village- Lagunaha, P.S.- Chautarwa,
District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 17-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application in connection with a case registered under sections 302 and 34 of the Indian Penal Code.

As per allegation in the F.I.R, the four named accused persons including the petitioner herein are stated to have assaulted the husband of the informant with an axe leading to his death.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case because of pending land dispute as also Title (Partition) Suit no. 48 of 2013 which is pending in the Court of learned Sub-Judge, Bagha. All the family members have been made accused. No overt act has been alleged against the petitioner. The allegations are general and omnibus in nature. The statements of the informant and witnesses recorded in paragraph nos.34 and 35 in course of



investigation do not support the allegations against this petitioner who is in custody since 11.11.2020. The cause of death in postmortem report is stated to be head injury.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and in view of the direct allegation against the petitioner along with others of having assaulted the husband of the informant with an axe which is confirmed from the contents of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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