

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10106 of 2021**

Arising Out of PS. Case No.-203 Year-2020 Thana- BELAGANJ District- Gaya

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BASUKI NATH PASWAN SON OF LALJI PASWAN RESIDENT OF
VILLAGE- PANARI, P.S.- BELAGANJ, DISTRICT- GAYA (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

For the Opposite Party/s : Ms. Shahin Begum, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 14-06-2021 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State through video

conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Belaganj P.S. Case no.
203 of 2020 registered under sections 302, 307, 147, 149, 323
and 341 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the
informant that the 10 named accused persons who were carrying
cricket bat, wicket etc. started to assault the informant as also
others. The informant somehow managed to escape. On
returning they found that Sanjay Kumar had been seriously
injured as a result of which he died.

It is submitted by the learned counsel for the



petitioner that the allegations as levelled in the FIR are false and concocted. From perusal of the contents of the FIR it would transpire that the cricket bat etc. were in the hands of Vikash Kumar and four other accused persons amongst whom the petitioner is not named. It is thereafter, stated that five other accused persons including the petitioner herein also assaulted him with kicks and box. Referring to the post-mortem report which has been brought on record as Annexure-2 to the supplementary affidavit, it is submitted that only two injuries have been found on the body of the deceased. Thus, the same does not support the nature and manner of occurrence as narrated in the FIR. Co-accused Jyotish Kumar has been enlarged on bail vide order dated 23.12.2020 (Annexure- 3). The petitioner is in custody since 20.7.2020.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the submissions made on behalf of the petitioner together with the contents of the post-mortem report, grant of bail to co-accused and the period in custody, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be



enlarged on bail in connection with Belaganj P.S. Case no. 203
of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten
Thousand) with two sureties of the like amount each to the
satisfaction of the learned Chief Judicial Magistrate, Gaya.

(Partha Sarthy, J)

Prakash/-

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