

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10667 of 2021**

Arising Out of PS. Case No.-55 Year-2020 Thana- RANIYATALAB District- Patna

1. SATYENDRA PASWAN, Son of Bihari Paswan, Resident of Village - Dhana, P.S. - Rani Talab, District - Patna.
2. Jitendra Paswan, Son of Bihari Paswan, Resident of Village - Dhana, P.S. - Rani Talab, District - Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Arvind Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Manoj Kumar No.1, A.P.P.
For the Informant	:	Mr. Mr.Paras Nath, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 24-08-2021 Learned counsel for the petitioners 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 petitioners, learned counsel for the informant and Mr. Manoj Kumar No.1, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Ranitalab P.S. Case No. 55 of 2020 registered for the offence punishable under Sections 147, 148, 149, 307, 338, 302, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per prosecution story when the petitioner no. 1 assaulted one Lal

Muni Paswan, the victim/deceased came there and tried to mediate between two whereafter the petitioner no. 1 entered into his house and went on the roof whereafter all other family members who are named in the F.I.R. reached on the roof and they started throwing bricks, danda and rod as a result whereof one Shiv Bachan got head injuries, he was taken to Patna AIIMS where he was declared dead.

Learned counsel for the petitioners submits that in the First Information Report there are general and omnibus allegations against all the named accused. The petitioners had no enmity with the deceased Shiv Bachan, they had no intention to kill him and there was no motive behind this.

Learned counsel submits that the deceased was a neighbour and it seems that in course of quarrel he sustained injuries.

Learned counsel for the informant has opposed the prayer for bail of the petitioners. His main contention is that the petitioner no. 1 is the perpetrator of the alleged occurrence. It is he who had assaulted Lal Muni Paswan and thereafter went on the roof and started throwing bricks knowing fully well that it may cause injuries and the person who may suffer such injury would die.

Mr. Mr. Manoj Kumar No.1, learned A.P.P. for the State has also opposed the prayer for regular bail of the petitioners.

Considering the facts and circumstances of the case, the specific allegation against petitioner no. 1 to some extent that he had initially assaulted one Lal Muni Paswan and thereafter the alleged occurrence took place in which the casualty happened, this Court is not inclined to release the petitioner no. 1 on bail at this stage.

Let the trial be expedited.

If the trial is not concluded within a period one year from today for no reason attributable to the petitioner, he may renew his prayer for bail.

The learned trial court shall proceed to take steps for framing of charge and conclusion of trial preferably within a period of one year.

So far as petitioner no. 2 is concerned, this Court directs release of the petitioner no. 2 above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of Sri P. K. Malviyey, learned Judicial Magistrate 1st, Danapur in connection with Ranitalab P.S. Case

No. 55 of 2020, subject to the condition as laid down under
Section 437 (3) Cr.P.C.

And further condition that the court below shall verify
the criminal antecedent of the petitioner no.2 and in case at any
stage it is found that the petitioner no.2 has concealed his
criminal antecedent, the court below shall take step for
cancellation of bail bond of the petitioner no.2. However, the
acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.