

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10158 of 2022**

Arising Out of PS. Case No.-121 Year-2021 Thana- KAMTAUL District- Darbhanga

Birendra Paswan S/o Jay Lal Paswan R/o village- Brahmpur East, P.S.-
Kamtaul, District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Jha, Advocate.

For the Opposite Party/s : Mr.Surendra Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 06-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Kamtaul P.S. Case No. 121 of 2021 registered for the offences under Sections 302/201/34 of the Indian Penal Code.

As per allegation petitioner and co-accused persons entered into the house of informant and started assaulting the informant's husband who consequently died due to sustaining injuries in the alleged assault.

The main submissions advanced by learned counsel for the petitioner are that the allegation made against the



petitioner in the FIR is general and omnibus, in fact between the deceased and the petitioner, there was a dispute regarding a passage due to which after the death of deceased, the informant falsely prepared the present case while the deceased who was an addict of intoxicated material he fell down on account of losing his control over his body due to consuming of some intoxicated material at the relevant time of occurrence and thereafter deceased's wife fabricated the present case. Further submission is that as per the FIR, the alleged occurrence took place on 23.05.2021 at 11:00 p.m., but the FIR was lodged on 24.05.2021 regarding the said delay, there is no proper explanation and further as per the inquest report, the body of the deceased was recovered from the house of some other person Sikandar Paswan.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and post-mortem report of the deceased. As per post-mortem report one lacerated wound, multiple abrasions and one injury in the nature of swelling were found as external injuries on the body of the deceased and as per allegation made in the FIR, this petitioner and co-accused persons entered into the deceased's house and



assaulted him. Admittedly, there was no good relation between the deceased and present petitioner at the time of commission of alleged occurrence and the factum of external injuries found over the body of the deceased mentioned in the post-mortem report goes in favour of the prosecution's allegation. Present case relates to murder. Considering all these facts and mainly the seriousness of the occurrence, in my view petitioner does not deserve bail. Accordingly his prayer for bail stands rejected.

(Shailendra Singh, J)

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