

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30455 of 2022

Arising Out of PS. Case No.-77 Year-2021 Thana- NOORSARAI District- Nalanda

MANTU PASWAN Son of Vijay Paswan Resident of Village - BansgoPalpur,
P.s.- Noorsarai, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shruti Sinha
For the Opposite Party/s : Mr.Ashok Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 16-11-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the petitioner was dancing and firing in the air during the occasion of a birthday party, which hit in the head of the informant's son and one splinter hit Abhishek Kumar. The informant's son was taken to the government hospital where he was declared dead.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this



case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 07.03.2021.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner of firing, on account of that firing a minor child aged about 8 years died. It has further been submitted that the act of firing using illegal arms at a child's birthday party, the consequence of which was well within the knowledge of the petitioner, has caused the death of a 8 year old innocent boy without any reason, which gets support from the materials available on record.

Considering the aforesaid facts and circumstances as well as specific allegation against the petitioner, I am not inclined to enlarge this petitioner above-named on bail.

Learned Trial Court is directed to expedite the trial and conclude the same preferably within 6 months and report this Court.

The bail petition stands rejected.

(Chandra Prakash Singh, J)

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