

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53194 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- SONEPUR District- Saran

Sanjay Paswan Son of Devanand Paswan R/o Village- Karamchak, P.S.-
Sonpur, Dist.- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-02-2022 Heard learned counsel for the petitioner and Shri Bal Mukund Prasad Sinha, learned A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with Sonpur P.S. Case No. 10 of 2021 instituted for the offences under Sections 147,148, 149, 323, 324, 504, 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 22.03.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant in the F.I.R. alleges that petitioner's buffalo was grazing crops in the informant's field and when the same was objected by the son of the informant (Rupesh, deceased), the



petitioner inflicted *khanti* blow on the head of the son of the informant due to which he sustained injury, further when second son of the informant went to save his brother, he was also assaulted leading to injuries. It is further alleged that Rupesh died during the course of treatment at P.M.C.H.

Learned counsel for the petitioner submits that altogether five persons have been named in the F.I.R. and the police arrested the petitioner and one Khulla Devi while with respect to the other three accused, the investigation is still going on as they have taken plea of alibi. Learned counsel further submits that form perusal of the allegation as alleged in the F.I.R. it would manifest that the occurrence took place on a trivial issue and it appears that since this petitioner was carrying a *khanti* while his animals were grazing and on objection by the son of the informant, a verbal duel took place between the two and on account of which, the occurrence took place. Learned counsel further submits that petitioner is not a criminal and is aged about 47 years and may be on the spur of the moment, the occurrence might have taken place though the same presently remains in the realm of allegations only.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is



allegation against the petitioner of inflicting *khanti* blow on the head of the son of the informant leading to his death. Learned A.P.P. fairly submits that might be that this was the first offence of the petitioner and might have taken place on the spur of the moment but then the force with which the assault was made was absolutely not required.

Considering the submissions of the learned A.P.P. for the State, the Court, for the present, is not inclined to grant bail to the petitioner. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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