

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43746 of 2023

Arising Out of PS. Case No.-71 Year-2020 Thana- OBRA District- Aurangabad

ANIL PASWAN Son of Ramashish Paswan Resident of Village - Ratwar,
P.S.- Obra, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-09-2023 Heard Mr. Shailesh Kumar Singh, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State.

2. Application for grant of bail to the petitioner, who
is in judicial custody, in connection with Obra P.S. Case No. 71
of 2020 giving rise to S. Tr. No. 46 of 2021 (287/2023),
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 302, 504, 506 of the Indian Penal Code and
Section 27 of the Arms Act.

3. This is the second attempt made on behalf of the
petitioner for grant of bail as his prayer for bail was earlier
negated by this Court in Cr. Misc. No. 13352 of 2022 *vide* order
dated 11.10.2022, after taking into consideration the specific
nature of accusation that the petitioner is the author of the fatal



blow causing death of the brother of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that though earlier the case of the petitioner was rejected but considering the fact that from the narration of the FIR it appears that on hearing the sound of firing the informant rushed to the place of occurrence, the prayer was rejected, for the present. He next submitted that in fact the name of the petitioner has been implicated in this case on account of land dispute which is pending since long, apart from there is case and counter case instituted by the persons of both the sides. He lastly submits that the petitioner has been in custody since 06.04.2020 and now more than 3 years 4 months have been elapsed.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the specific allegation has been levelled against the petitioner of causing fire upon the deceased resulting into his death.

6. Regard being had to be submissions made on behalf of the parties and considering the specific nature of accusation and the gravity of offence, the prayer for bail of the petitioner stands rejected.

7. However, as the petitioner is in custody for more



than three years, the learned Trial Court will take all endeavours to conclude the trial as far as possible preferably within a period of six months, failing which the petitioner shall be at liberty to renew his prayer for bail.

(Harish Kumar, J)

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