

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54709 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- MAHUA District- Vaishali

Shiv Shankar Paswan Alias Bantha Son Of Upendra Paswan Resident Of
Village - Sirwara, P.S. - Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 20-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Mahua P.S. Case No.59 of 2023, lodged on 04.02.2023, under
Sections 341/323/324/326/307/302/34 of the Indian Penal Code.

3. As per the prosecution, the informant has made
allegation against the present petitioner that he has assaulted to
the deceased on his head due to which bleeding started and
during treatment the injured died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the antecedent of the petitioner is clean. He is in
custody since 05.02.2023. Counsel submits that charge sheet has
already been submitted in this case. He further submits that



case-diary and post mortem have come in this case. In the case-diary it has come that it is not only the petitioner; rather Upendra Paswan has assaulted the deceased. Counsel further submits that from the content of FIR the injury has been caused to the informant also but in the entire case-diary no injury report of the informant has been attached. Counsel further submits that post mortem report is there and in the post mortem report the injury has been caused by hard and blunt object. Therefore, the FIR may not be relied.

5. Learned counsel for the State opposes the prayer for bail and submits that informant has alleged that the petitioner has caused head injury to the deceased and in the opinion of the post mortem report the cause of death is due to haemorrhage taken place on the head injury.

6. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is rejected.

(Dr. Anshuman, J)

Mkr./-

U		T	
---	--	---	--

