

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60244 of 2023**

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

Mantu Paswan S/O Vijay Paswan R/O Village- Bansgopalpur, Ps. Noorsarai,
Dist. 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.Satya Nand Shukla

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

ORAL ORDER

4 08-12-2023 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Noorsarai P.S Case No. 77 of 2021 dated 09.03.2021 registered for the offence punishable under Sections 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. 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.

4. 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. It is further submitted that the trial has not been concluded within the period of 6 months as directed by this Court vide order dated 16.11.2022 passed in Cr. Misc. No. 30455 of 2022. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 17.03.2021.

5. 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. It is further submitted that the prayer of bail of the petitioner has already been rejected on merit by this Court vide order dated 16.11.2022 passed in Cr. Misc. No. 30455 of 2022. It is further submitted that as per letter no 198 dated 20.10.2023 issued by the learned A.D.J II, final argument on behalf of the defence is going on and



the case is at the verge of disposal.

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

7. Learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

8. The bail petition stands rejected.

(Chandra Prakash Singh, J)

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