

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55628 of 2023

Arising Out of PS. Case No.-295 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Devanand Paswan S/O - Kamta Paswan R/O - Mali Tola, Ward No. - 5, P.S. -
Daudnagar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Mr. Gopal Kumar, learned counsel for the
petitioner as well as Mr. Nagendra Prasad, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Daudnagar P.S. Case No.295 of 2023, F.I.R.
dated 18.05.2023 registered for the offence punishable under
Sections 147, 148, 149, 341, 323, 302, 120B of the IPC.

3. The prosecution case, in short, is that on
17.05.2023 informant's brother Ramji Yadav was returning
home after grazing his buffaloes, in the meantime near Baluganj
the accused persons along with co-accused abused him and
assaulted on head with iron rod, resulting which bleeding started
from his nose and ears. Abhay Chaudhry and Devanand Paswan
have assaulted informant's brother with iron rod. Further stated
that there were five unknown persons who have also assaulted



his brother with *lathi* and rod. On hulla, the informant reached at the place of occurrence and saw his brother Ramji Paswan was covered in blood. The informant took his brother to Daudnagar hospital later on he was referred to Magadh Medical College, Gaya. On 17.05.2023 at about 12 AM in the night time, informant's brother succumbed to his injuries during course of treatment. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. In fact the petitioner was not present at the place of occurrence and he was working as a guard in the State Bank of India and the petitioner has been implicated in this case only on the ground that the wife of the petitioner has filed the Daudnagar P.S. Case No.324 of 2022 against the informant.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner stating that there is direct allegation against the petitioner and the accused persons that they assaulted the deceased by means of iron rod for which the deceased had



received five injuries on his head and he was died during his treatment.

6. Considering the aforesaid facts, I am not inclined to giving privilege of anticipatory bail to the petitioner in connection with Daudnagar P.S. Case No.295 of 2023 pending in the court of learned S.D.J.M., Daudnagar, Aurangabad.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Prakash Narayan

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

