

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55992 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- RAJPUR District- Rohtas

RAJESH PASWAN S/o Shayam Bihari Paswan R/O VILLAGE NIMA, PS
RAJPUR, DISTRICT ROHTAS

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddharth Harsh

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Rajpur P.S. Case No. 119 of 2022 registered for the offences punishable under Sections 147, 148, 149, 302, 337, 338 and 504 of the Indian Penal Code and Section 37 of Bihar Prohibition and Excise Act.

3. As per prosecution case, the dispute arose out of drunken attitude of the petitioner when the same was protested by informant's husband, petitioner and others surrounded him. It is further alleged that petitioner and others are alleged to have assaulted informant's husband by means of lathi, danda and iron rod. It is further alleged that when Rama Shankar Ram and Jagrup Ram went to save informant's husband, they were also



assaulted by the petitioner and others. It is also alleged that co-accused Sugreev Ram, Shyam Bihari Ram and Dadan Ram participated in the alleged occurrence by assaulting the aforesaid persons by lathi. It is further alleged that Sintu Devi, Sarita Devi and Malti Devi were pelting stones and meanwhile the petitioner assaulted the informant's husband by means of iron rod upon his head as a result of which the head of the informant's husband was severely injured and he fell unconscious. It is further alleged that informant's husband was sent for treatment and during the course of treatment he died.

4. Learned counsel for the petitioner submits that the dispute has been arisen on account of taking liquor by the petitioner at the spur of moment where no intention could be formed to kill the informant's husband. He further submits that the petitioner is in custody since 23.09.2022, which is more than a year. It is further submitted that charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and charge has also been framed. It is further submitted that there is allegation of assault by several persons upon the victim who has died. Petitioner is not only responsible to cause several blows upon the body of the victim.

5. The learned A.P.P. for the State opposes the prayer



for bail of the petitioner and submitted that Manorama Devi and others who are the eye-witness of the alleged occurrence, have stated that petitioner assaulted upon the head of the victim by means of iron rod and the same is supported and corroborated by post-mortem report and hence, there is no reason to interfere with the order passed by the concerned court regarding the bail of the present petitioner.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with post-mortem report as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

7. However, the learned trial court is directed to expedite the trial on day to day basis as charge has already been framed and conclude the same as early as possible.

(Alok Kumar Pandey, J)

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