

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55118 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- KHAIRA District- Jamui

KHIRODHAR PASWAN @ KHIRDHAR PASWAN SON OF LATE RAM
PASWAN Resident of Village- Arunmabank, Police Station- Khaira, District-
Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar, Advocate
For the Opposite Party/s	:	Mr.Narsingh Tanti, APP
	:	Mr. Umeshanand Pandit, APP
	:	Mr. Uday Pratap Singh, APP
For the informant	:	Mr. Umesh Prasad, Advocate
	:	Mr. Mrityunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-01-2023 Heard the learned counsel for the petitioner, the

learned APP for the State and the learned counsel for the

informant.

The petitioner seeks regular bail in connection
with Khaira PS case no. 325 of 2021 instituted for the offences
punishable under Sections 307 and other allied sections of the
Indian Penal Code.

The petitioner and other accused persons are
alleged to have arrived at the house of the informant on
11.09.2021 at about 8 am, armed with lathi, stick and sharp
tangi, whereafter they had started abusing the informant and his
family members. It is further alleged that the petitioner and his



three sons namely Mukesh Paswan, Rahul Paswan and Golu Paswan @ Ranjan Kumar had given tangi blow, repeatedly on the person/ body of the father of the informant namely Jago Paswan, resulting in him sustaining several cut injuries and ultimately, he had died. It is also alleged that the other co-accused persons had also assaulted the informant and his family members, resulting in one Savitri Devi also sustaining injuries.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 05.03.2022. It is further submitted that though the petitioner is an accused in one other case but he is on bail in the said case. It is also submitted that the petitioner has been alleged to have given a tangi blow on the person of the deceased Jago Paswan, however, three other co-accused persons are also alleged to given tangi blows on the person of the deceased, hence, the petitioner cannot be solely blamed for the death of the deceased Jago Paswan, thus, he be granted the privilege of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record, this Court finds that direct allegation has been levelled upon the petitioner and his three sons of having inflicted several sharp cutting tangi blows on the person/ body of the deceased, resulting in his death, which also stands corroborated from the materials available in the case diary and the post-mortem report, hence, the complicity of the petitioner in the alleged occurrence is writ large from the records of the case, thus, I do not deem it fit and proper to grant the privilege of bail to the petitioner herein, as such, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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