

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3768 of 2022

Arising Out of PS. Case No.-119 Year-2020 Thana- DANIYAWAN District- Patna

DAYANAND PASWAN S/O RAMASHISH PASWAN Resident of village-
Faridpur, P.S.- Daniyawon, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandan Paswan Son Of Rajendra Paswan R/O Vill.- Mandwa, P.S.-
Daniyawon, Distt.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prem Ranjan Kumar
For the Respondent/s	:	Ms. Usha Kumari 1
For the Respondent No-2:	:	None

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 28-02-2023 Despite valid service of notice, nobody is present
on behalf of Informant/Respondent No. 2.

Heard Ld. counsel for the appellant and Ld. Special
Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 14.09.2021,
passed by Ld. ADJ-III- cum- Special Judge SC/ST, Patna in
connection with Daniyanwa P.S. Case No. 119 of 2020,
registered for the offences punishable under Sections 147,
148, 149, 302 and 120B of the Indian Penal Code, Section
3(1)(r)(s), 3(2)(Va) of the SC/ST Act and Section 27 of the



Arms Act, whereby bail has been denied to the appellant.

The prosecution case as emerges from the FIR is that on 06.08.2020 at about 04:30 P.M. when the informant and his brother was returning home, the appellant and his stopped the motorcycle and took Sunil Paswan to field where the accused-petitioner slit the throat of the victim by *hasuli*.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that son of this accused-petitioner was brutally murdered by the informant of this case and thus the petitioner was falsely implicated by the informant. He also submits that investigation in this case is complete and charge-sheet has already been submitted and trial is going on.

He further submits that the appellant has been languishing in jail for about two years since 24.08.2020.

It has also been stated in paragraph no. 3 of the appeal that the appellant has earlier been made accused in two other cases.

It is also stated in paragraph no. 2 of the appeal



that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail submitting that the alleged offence is very heinous in nature and this is brutal murder of an innocent person and as per allegation this appellant has slit the throat of the victim by *hasuli* and the same is supported by the post-mortem report.

Considering the aforesaid facts and circumstances, particularly the nature of alleged offence and material on record, I am not persuaded to enlarge the appellant on bail at this stage. As such, there is no infirmities in the impugned order.

This appeal is accordingly dismissed.

However, Ld. Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of one year, the appellant is at liberty to renew his prayer for bail.

Ld. counsel for the appellant is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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