

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68880 of 2023

Arising Out of PS. Case No.-43 Year-2022 Thana- TISIAUTA District- Vaishali

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MOHIT PASWAN Son of Ramsakal Paswan Resident of Village and P.O.-
Nari Khurd, P.S.- Tisiauta, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Bhushan Bharat, Advocate
		Mr. Bivutosh Kumar, Advocate
For the Opposite Party/s :		Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Tisiauta P.S Case no.43 of 2022 registered under sections 302, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that there was some altercation between the petitioner and his younger son with respect to the ancestral land. Thereafter, his son was not to be seen. Subsequently, it transpired from the co-villagers that his dead body was there in the sack. On opening of the sack, it transpired that his head has been severed from his body.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. There is no eye witness to the occurrence. At best, the case against the petitioner may be of circumstantial nature. Contrary to the allegations, no incriminating article has been recovered on the alleged confessional statement made by the petitioner before the police. The trial has commenced and the petitioner undertakes to cooperate in the trial. He is in custody since 17.5.2022.

5. The application for bail is opposed by learned A.P.P for the State who submits that as per the confessional statement of the petitioner, he was the assailant of the deceased having used the sword to severe the head from the body of the son of the informant and it was on the basis of the said confessional statement that the sword was recovered.

6. Having heard learned counsel for the parties and taking into consideration the nature of material that has transpired against the petitioner in course of investigation together with the trial having proceeded in the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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