

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23366 of 2024

Arising Out of PS. Case No.-332 Year-2023 Thana- ARA NAWADA District- Bhojpur

Pawan Singh Son of Surendra Singh Resident of Mohalla- Sankat Mochan
Nagar, P.S.- Ara Nawada, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 04-10-2024 1. Heard the parties.

2. The petitioner seeks regular bail in connection with Nawada P.S. Case No. 332 of 2023 dated 14.05.2023 registered for the offence under Section 302 / 34 of the I.P.C.

3. As per the First Information Report the son of the informant was to be married on 15.05.2023. On 14.05.2023 at about 4:00 P.M. the informant's neighbour i.e. accused Surendra Singh came and said that he would keep sand inside the door of his house and upon refusal by the informant, the petitioner along with other accused persons abused the informant and threatened that they would not let marriage of his son performed on 15.05.2023. It has further been stated that petitioner along with other accused person assaulted the informant's son (deceased) with the butt of the pistol and iron rod and there is specific



allegation against the petitioner that he assaulted the victim by iron rod on his head.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to the dispute regarding keeping the sand. Both the parties are neighbours and the informant is not an eye witness, which would be evident from the F.I.R. itself. The Police during investigation has not collected any blood stain from the site of occurrence. The petitioner is in custody since 17.10.2023.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that specific allegation of assault is there against the petitioner who assaulted the informant's son on his head by iron rod and the post mortem report corroborates the allegation made in the F.I.R. Learned counsel further submits that out of ten witnesses, six have already been examined.

6. This Court by order dated 23.08.2024 had called for a report from the trial court regarding the present stage of the trial and in pursuance thereof learned Additional Sessions Judge-II, Bhojpur at Ara has submitted the report vide letter no. 174 / 2024 dated 24.09.2024 informing that out of ten charge sheet witnesses, five have been examined and cross-examined and the



trial is likely to be concluded within six months.

7. Taking into consideration the nature of allegation and the severity of punishment and the fact that trial is likely to be concluded within a short while, I am not inclined to grant bail to the petitioner. The same is rejected.

8. However, the petitioner may renew his prayer for bail after six months from today, if the trial does not progress substantially.

(Anil Kumar Sinha, J)

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