

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30553 of 2024

Arising Out of PS. Case No.-1770 Year-2023 Thana- NAWADA District- Nawada

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Pawan Kumar S/O Akshay Kumar @ Akshay Chaudhary R/O Village-
Gondapur, P.S- Town, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Prasad Sinha, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-07-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Nawada Town P.S. Case no.1770 of 2023 registered under sections 302, 147, 148, 149, 448, 504 and 326 of the Indian Penal Code.

3. As per the prosecution case, the informant states that over a dispute relating to gambling next to the informants house it is stated that altercation started as a result of which the accused persons forcibly entered in the informant's house. Vikki Chaudhary and the petitioner are said to have assaulted the brother of the informant with the knife as a result of which he sustained injuries and subsequently died.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the



case. The manner of occurrence is other than what has been narrated in the FIR. The occurrence took place elsewhere. Referring to the fardbeyan it is stated that it clearly shows that there is overwriting on the date and time of recording of the same. It was after the death of the informant's brother that the story was cooked up and the FIR was registered on the next day ie 13.11.2023 though the police station is only at the distance of 2 kilometres from the alleged place of occurrence. The petitioner is in custody since 23.11.2023 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that there is direct allegation of overt act against this petitioner leading to the death of the informant's brother. It is further submitted that there is no delay whatsoever in lodging of the FIR for the reason that for an occurrence which had taken place at 10.10 pm on 10.11.2023 the matter was reported to the police just 2 hours later at 00.15 hours on 13.11.2023. The trial has commenced wherein three prosecution witnesses have been examined and they have supported the allegations against this petitioner.

6. Having heard learned counsel for the parties and taking



into consideration the direct allegations against the petitioner in the F.I.R. and the trial having commenced in the learned trial Court wherein as per the informant 3 prosecution witnesses have been examined, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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