

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63343 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- NAGARNAUSA District- Nalanda

Feku Paswan @ Indrajit Kumar S/o Ramashish Paswan Resident Of Village-
Badiha, Ps- Nagarnausa, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Sinha, Adv. Mr. Shraddhanand Paswan, Adv.
For the State	:	Mr. Md. Anzarul Haque Sahara, APP
For the Informant's	:	Mr. Anil Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 13-09-2024 1. Heard learned counsel for the petitioner and learned APP for the State.
2. Petitioner apprehends his arrest in connection with Nagarnausa P.S. Case No. 40 of 2024 dated 05.03.2024 registered for the offences punishable under Sections 302, 120(B) & 34 of Indian Penal Code.
3. As per the prosecution story, Usha Devi (informant) stated that on 05.03.2024 at about 12:30 PM, an argument broke out between her husband, Chhedi Paswan (deceased) and accused persons Feku Paswan (petitioner), Sanju Devi, Naresh Paswan and Dahno Devi, then the accused persons abused the informant's husband and the petitioner pushed him as a result of which he fell down and was later on declared dead



at P.H.C. Nagarnausa.

4. Mr. Satish Kumar Sinha, learned counsel appearing for the petitioner submits that the manner of occurrence described in the FIR clearly shows that the petitioner had no intention to kill the victim and as per allegation, he simply pushed the victim to the ground which resulted in his death but the petitioner is not alleged to have caused any assault on the head of the victim. According to the postmortem report, only one head injury to the deceased was found and the same was opined to be caused by hard and blunt object which is not corroborating to the allegation leveled against the petitioner. Further, if the allegation made in the FIR against the petitioner is taken to be true, even then, no offence under section 302 of the I.P.C. is made out against him. Learned counsel further submits that co-accused persons Sanju Devi, Dhano Devi and Alpha @Naresh Paswan have been granted anticipatory bail by this Court vide orders dated 19.8.2024 passed in Cr. Misc. No. 47655 of 2024 and Cr. Misc. No. 50314 of 2024. The petitioner has also clean antecedent.

5. On the other hand, Mr. Anil Kumar Singh, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that it was the



petitioner who was mainly responsible for the death of the deceased as he pushed the victim on the ground with heavy force which resulted in his head injury and consequently, he died on the same day. As per the postmortem examination report, one head injury to the deceased was found. Admittedly, there was some dispute in between the deceased and the petitioner.

6. Having regard to the above submissions and considering the facts and circumstances of the case and mainly the nature of allegation leveled against the petitioner and also the fact that the act which was allegedly committed by this petitioner, was mainly responsible for the death of the deceased, as per allegation, in my opinion, it is not a fit case to grant anticipatory bail to the petitioner. Accordingly his prayer stands rejected.

(Shailendra Singh, J)

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