

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75389 of 2024

Arising Out of PS. Case No.-229 Year-2023 Thana- JAMHOR District- Aurangabad

Pawan Singh @ Pawan Kumar Son of Suryadeo Singh R/O-Village- Makhra
Tola, Mani Bigha, Police Station- Jamhore, District -Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Ravish, Adv.
For the State	:	Mr.Murli Dhar, APP
For the Informant	:	Mr. Tej Narayan Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 06-12-2024 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.
Perused the case diary.

2. The petitioner has earlier moved before this Court
with a prayer for anticipatory bail which was rejected vide order
dated 26.06.2024 passed in Cr. Misc. No. 25192 of 2024.

3. The petitioner seeks bail in connection with Jamhor
P.S. Case No. 229 of 2023 instituted for the offences under
Sections 302/24 of the Indian Penal Code.

4. The prosecution case, in short, is that, petitioner
along with other co-accused persons abused and assaulted the
informant for refusing to give cigarette. It is alleged that the
petitioner Pawan Singh assaulted the mother of the informant by



lathi and, later on, all the co-accused persons assaulted her by means of lathi, legs and fists till her death.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that both the parties are Gotiya and there is old land dispute between them. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is also no motive or intention of the petitioner to kill the deceased. The petitioner has no criminal antecedent and is languishing in judicial custody since 06.09.2024 without any rhymes or reason. Charge-sheet has been submitted against the petitioner.

6. Learned counsel for the petitioner again submits that the co-accused namely Chandan Singh has been granted bail by this Court vide order dated 30.08.2024 passed in Cr. Misc. No. 63353 of 2024.

7. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the



F.I.R. and there is specific and direct allegation of assault against the petitioner. The postmortem report supports the prosecution case. In the re-statement, the Informant has corroborated the allegations made in the F.I.R. From perusal of Para- 7, 8 & 9 of the case diary, it appears that several witnesses have also supported the prosecution case. The offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail.

8. Having heard rival contention of both the parties and considering the nature and gravity of the offence as also there being direct allegation of assault against the petitioner, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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