

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75332 of 2023

Arising Out of PS. Case No.-62 Year-2005 Thana- BARHIYA District- Lakhisarai

Bullet Paswan Son of Late Wakil Paswan Village- Kalyanpur Dusadh Tola Ps-
Barahia Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar Ray, Adv.

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

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

ORAL ORDER

4 15-03-2024 Heard learned counsel for the petitioner and

learned APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with

Barahia P.S. Case No. 62 of 2005 instituted for the offences

under Section 302/34 of the Indian Penal Code and Section

27 of the Arms Act.

3. The accusation against the petitioner is of

committing murder of the deceased Fulwa Devi by gun shot.

4. 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 due to land dispute and previous enmity. He



has further submitted that the eye-witness Cheema Devi has deposed that she does not know who has fired on the deceased. He has further submitted that no witness has also supported the prosecution case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 02.06.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that from para-93 of the case diary, it appears that the postmortem report supports the prosecution case.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the gravity of the offence coupled with the fact that charge-sheet has been submitted against the petitioner under Section 302/34 of the I.P.C. and Section 27 of the Arms Act showing him as an absconder, this Court is not inclined to grant bail to the



petitioner for the present.

7. 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 preferably within a period of twelve months from today.

8. If the trial is not concluded within the aforesaid period of twelve months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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