

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8496 of 2025

Arising Out of PS. Case No.-195 Year-2024 Thana- MOTIPUR District- Muzaffarpur

Jailal Paswan, Son of Bhuneshwar Paswan, Resident of village - Chakchuhar,
P.S.- Motipur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar S.K., Advocate
For the State : Mr.Ajay Kumar Jha, APP
For the Informant : Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Motipur P.S. Case No. 195 of 2024 registered for the alleged offences under Sections 341, 447, 323, 302/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons assaulted the father of the informant with iron rod, *lathi* and *danda* when he asked the petitioner and others to remove the earth material from his doors. Subsequently, the father of the informant lost his life in the assault and he was declared brought dead when taken to hospital. The assailants also tried to strangle the informant.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The allegation against the petitioner and co-accused Prakash Paswan is that of assaulting on the back of the head of the deceased. The learned counsel further submits that the written informant for the institution of the instant FIR was filed on 01.06.2024, whereas the inquest report has already been prepared on 31.05.2024 at 23.05 hours. Though the informant and one Sanjay Paswan were witnesses of inquest report, but they have not made any specific allegation of assault at that time. The learned counsel further submits that from the FIR, inquest report and post mortem report, only one abrasion of 5" X 1/4" was visible over right arm of deceased and second wound was internal on the head. The learned counsel further submits that the true fact of the case is that the deceased died due to an accidental fall on the road while he was crossing the road in front of his house. The learned counsel further submits that a number of co-accused persons have been granted bail by this Court vide common order dated 10.01.2025 passed in Cr. Misc. No.76467 of 2024 and analogous cases. The petitioner is in custody since 19.09.2024 and charge sheet has been submitted. The petitioner is having criminal antecedent of one



case.

5. Learned APP as well as learned counsel for the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that there is specific allegation against this petitioner along with other co-accused persons for assaulting the father of the informant with iron rod, *lathi* and *danda* and subsequently he succumbed to his injuries.

6. Having regard to the specific nature of allegation against the petitioner for hitting on the head of the father of the informant and the post mortem report shows contusion was found on the right side of the head and haemorrhage was also found in right parietal lobe of brain, I am not inclined to enlarge the petitioner on bail.

7. Accordingly, his prayer for grant of bail is rejected.

(Arun Kumar Jha, J)

V.K.Pandey/-

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