

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21805 of 2025

Arising Out of PS. Case No.-125 Year-2024 Thana- SHAHKUND District- Bhagalpur

NITISH PASWAN @ NITISH KUMAR S/o Bhim Paswan R/o Village- Naya Tola Lovtoliya, P.S.- Bariyarpur, District- Munger, presently at village -Ghorpithiya, P.S.- Shahkund .District – Bhagalpur. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-09-2025 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Shahkund P.S. Case No. 125/2024, registered for the offence under Sections 191, 190, 117, 110, 352, 351(3), 351(2) of the Bhartiya Nyaya Sanghita (BNS), 2023. Subsequently, Section 302 was added.

3. The accused/petitioner is named in the F.I.R. and is in custody since 02.09.2024.

4. As per FIR, accused/petitioner assaulted the husband and brother-in-law (*devar*) of the informant, causing head and bodily injury having intention to cause their death, where the occurrence is alleged to be arising out of dispute related with one Neem tree.

5. Learned counsel appearing on behalf of the



petitioner submitted that for the issue of one Neem tree, some altercation took place between the parties out of which without having any intention, the petitioner assaulted the husband and brother-in-law of the informant with wooden plate. It is submitted that the manner in which the occurrence took place clearly suggest that the petitioner was not under intention to cause death and, therefore, this case is *prima facie* appears made out under Section 304 of the IPC. It is pointed out that during investigation facts appears that the injured brother-in-law of the informant died due to lack of proper medical attention. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence and, moreover, petitioner is a man of clean antecedent.

6. Learned APP while opposing the prayer of bail submitted that the specific allegation is available against this petitioner as to cause fatal head injury. It is submitted that the *post-mortem* report suggest that Cranio-cerebral damage upon head injury and its complication resulting from hard and blunt object was the reason for the death of brother-in-law of the



informant.

7. Considering the aforesaid factual submissions and by taking note of the fact that the specific allegation as to cause fatal head injury to brother-in-law of the informant is available against this petitioner, accordingly prayer of bail of the petitioner stands rejected herewith for the present.

8. However, as the petitioner remains in custody since 02.09.2024, accordingly, the learned trial court is directed to conclude the trial preferably within nine months, failing which the petitioner is at liberty to renew the prayer of bail, if so advise.

(Chandra Shekhar Jha, J)

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