

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73660 of 2024

Arising Out of PS. Case No.-178 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Banti Paswan @ Banti Kumar S/o- Raj Kumar Paswan, R/o Village- Lakho
Ward No.8 PS- Mufassil District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar, Advocate
		Mr. Gautam Shah, Advocate
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 14-02-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Begusarai Mufassil P.S. Case no. 178 of 2020 registered under sections 307, 341, 323, 324, 504, 448, 506, 354 and 34 of the Indian Penal Code.

3. As per the prosecution case, while the co-accused Bhushan Paswan is said to have given a *khanti* blow, the petitioner is said to have given a blow with an iron rod on the head of the informant as a result of which he fell down injured. The informant died in course of treatment about 20 days later on 18.4.2020 and section 302 of the Indian Penal Code was added.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. As against the allegation of assault against two accused persons namely



Bhushan Paswan and the petitioner herein, on perusal of the postmortem report it would transpire that only one injury has been found which clearly shows that the informant is not an eye witness to the occurrence. The co-accused Bhushan Paswan has been enlarged on bail vide order dated 2.2.2022 passed in Cr. Misc. no. 62992 of 2021. The petitioner is in custody since 20.7.2024, charge-sheet has been submitted and charge has been framed in the learned trial Court on 24.1.2025. The petitioner undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P for the State who submits that besides there being direct allegation against the petitioner in the F.I.R., so far as grant of bail to co-accused Bhushan Paswan is concerned, he had remained in custody for 1 year 7 months. It is further submitted that the postmortem report shows the injury on the head to have been caused by hard and blunt substance which is directly attributable to this petitioner.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R. which is substantiated from the contents of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.



7. However, taking into consideration that charge has been framed against the petitioner in the learned trial Court and grant of bail to co-accused Bhushan Paswan vide order dated 2.2.2022, liberty is granted to the petitioner to renew his prayer for bail on completing one year in custody.

(Partha Sarthy, J)

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