

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89036 of 2024

Arising Out of PS. Case No.-139 Year-2016 Thana- SONBERSHA RAJ District- Saharsa

Mani Paswan @ Manikant Paswan Son of Late Mahendra Paswan Resident of
Village - Sukhasani, P.S.- Udakishunganj, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 13-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sonbarsa Raj (Kashnagar OP) P.S. Case No. 139 of 2016, dated 30-09-2016, instituted for the offence punishable under Sections 147,148,149, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on 29.09.2016, at around 4:30 in the afternoon, while the informant and her husband, Ranjit Paswan, were cutting grass on the bank of a pond owned by Sanjay Kumar Mehta, the petitioner, who is the informant's cousin *Devar*, along with the other accused named in the FIR, arrived at the spot. The accused, armed and premeditated, surrounded the informant and her husband. Her



husband tried to run away, but Mani Paswan (petitioner) began firing at him, hitting him in the abdomen. Thereafter, co-accused Bhola Marandi fired from his pistol at her husband, hitting his right knee, due to which her husband fell on the ground. All the accused persons then began assaulting her husband with the butt of their weapons. When the informant raised an alarm, her son, Bikash Kumar, cousin father-in-law Shivan Paswan, Bilash Paswan, and other villagers came running to rescue them. The accused persons then fled away from the place of occurrence after firing in the air. The informant, with the help of her relatives and villagers, brought her injured husband to PHC, Sonbarsa Raj, where, seeing the serious condition of the injured, he was referred to Sadar Hospital, Saharsa. Meanwhile, her husband, Ranjit Paswan, succumbed to his injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case due to the ulterior motives of the informant. It is next submitted that from perusal of the FIR, it would appear that the petitioner is the cousin *Devar* of the informant and there is land dispute between the parties. The petitioner was not present at the place of occurrence on the alleged date of occurrence.



However, he has been implicated in this case as he is alleged to be the main assailant. Further submission is that after investigation, eight accused persons have been exonerated from the case. It is submitted that the informant, while claiming to have witnessed the occurrence, is not an eyewitness. During the investigation, no independent witnesses corroborated the informant's statement. It is also submitted that the petitioner has 15 criminal cases pending against him and has been in custody since 03.08.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail. It is submitted that there is a specific allegation against the petitioner of firing on the abdomen of the informant's husband, Ranjit Paswan, as a result of which, the informant's husband succumbed to his injuries. The postmortem report reveals that the cause of death was hemorrhagic shock due to antemortem injuries caused by a firearm. It is further submitted that the petitioner bears criminal antecedents, with 15 cases pending against him, three of which are registered under Section 302 of the IPC.

6. Considering the specific allegation against the petitioner of firing on the abdomen of the informant's husband, Ranjit Paswan, which resulted in his death, this Court finds no



grounds to grant bail to the petitioner at this stage.

7. The Trial Court is directed to expedite the trial and take all endeavour to conclude the trial at the earliest, preferably, within a period of nine (09) months from the date of receipt or production of a copy of this order. In the event, the trial is not concluded within the stipulated period, the petitioner shall be at liberty to renew his prayer for bail after the expiry of nine months.

8. The application stands rejected.

(Khatim Reza, J)

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