

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71175 of 2025

Arising Out of PS. Case No.-416 Year-2024 Thana- BAIRIYA District- West Champaran

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Khelawan Paswan @ Khelawan Hajra Son of Ramji Paswan @ Ramji Hajra
Resident of Village - Laukaria Manjhi Mushahari Tola Ward No. 3, P.S.-
Bairiya, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhirup, Advocate
For the State	:	Mr. Zainul Abedin, APP
For the informant	:	Mr. Bimlesh Kumar Pandey, Advocte

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 21-01-2026 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Bairiya
P.S. Case No. 416 of 2024 dated 25.11.2024 instituted for the
offence punishable under Sections 191(2), 329,(3), 352, 115(2),
1182), 103(1) of the Bhartiya Nyaya Sanhita.

3. The prosecution case, in short, is that on the alleged
date of occurrence, the petitioner and the other co-accused
persons were alleged to have come at the door of the informant
and the petitioner abused the informant's father and on protest,
the petitioner assaulted on the head of the informant's father
with 'Gadasa, due to which he became unconscious. It is alleged
that he died in course of treatment. It is further alleged that



America Manjhi and Achhel Lal Manjhi were also assaulted when they came to pacify the matter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that there is specific allegation against the petitioner that he assaulted with 'Gadasa' on the head of the father of the informant. Other accused persons assaulted with *lathi* on the head of informant's uncle. Learned counsel for the petitioner submits that the post-mortem report reveals that the injury was caused by hard and blunt substances and not by the sharp cutting weapon which falsify the case of the petitioner. Lastly, it has been submitted that the petitioner is in custody since 06.12.2024 having two criminal cases against him. Charge-sheet has been submitted in the case.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail. Learned counsel for the informant submits that the petitioner is the main assailant, who assaulted the deceased on his head. It is further submitted that due to mistake, it has been recorded in the *fardbeyan* that the petitioner assaulted on the head of the 'father of the informant' instead of the 'brother of the informant', however, the father of the informant died



much prior to the alleged date of occurrence. It is further submitted that the deceased is the brother of the informant. This fact has already been noted in re-statement of the informant as well as the statement of the witnesses in many paragraphs of the case diary. It is further submitted that due to assault by the petitioner, the deceased succumbed to the injuries.

6. Since there is specific allegation against the petitioner that he assaulted the brother of the informant with 'Gadasa' due to which he died during course of treatment, I am not inclined to grant bail to the petitioner at this stage.

7. Accordingly the prayer for grant of regular bail of the petitioner is rejected.

8. The learned trial court is directed to expedite the trial and take all endeavour to conclude the trial at the earliest, preferably, within a period of one (1) year from the date of receipt or production of a copy of this order.

(Khatim Reza, J)

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