

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12 of 2016**

Arising Out of PS.Case No. -212 Year- 2015 Thana -MAKHDUMPUR District- JEHANABAD

=====

Amit Paswan Son of Ram Gulam Paswan Resident of Village-  
Sukanabigha, Police Station -Makhdumpur, District Jehanabad.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Jitendra Kr.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

**ORAL ORDER**

4 19-02-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with  
Makhdumpur P.S. Case No. 212 of 2015 registered for the  
offences punishable under Sections 307 and 302 of the Indian  
Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioner opened fire which hit in the  
hand of the informant causing injury and when the mother of the  
informant came, she was shot by co-accused Ram Gulam Paswan  
after being instigated by Kapil Paswan and thereafter the mother  
of the informant died.

Submission is of false implication and that there is no  
injury report of the informant in the case diary and without any  
injury report of the informant, chargesheet has been submitted.  
The assailant is Ram Gulam Paswan and not the petitioner and, as

such, the petitioner who is suffering in custody since 15.07.2015, deserves sympathetic consideration as co-accused Kapil Paswan has already been allowed bail vide order dated 13.10.2015 passed in Cri. Misc. No. 46078 of 2015 by another co-ordinate Bench of this Court.

The learned A.P.P. opposes the prayer of bail

In the facts and circumstances stated above, considering that the petitioner is not the assailant and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Jehanabad in connection with Makhdumpur P.S. Case No. 212 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

sushma/-

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