

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49105 of 2017**

Arising Out of PS. Case No.-2 Year-2017 Thana- BIBHUTIPUR District- Samastipur

Rajnish Paswan @ Fantus Paswan S/o Naresh Paswan, R/o Village- Gopalpur,  
P.S.- Chitraiya, Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : SMT. GULNAR BEGAM

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

2      18-10-2017

Heard learned counsel for the petitioner and the  
State.

Petitioner seeks bail in **S.Tr. No. 446 of 2017**  
arising out of **Bibhutipur P.S. Case No. 02 of 2017** for the  
offence punishable under Sections 302, 120(B) and 34 of the  
Indian Penal Code and Section 27 of the Arms Act.

Allegation made by the informant in FIR is that  
Kamal Kishore Kamal along with some unidentified persons  
reached near his brick kiln and thereafter Kamal Kishore Kamal  
fired upon the brother of the informant and other unknown  
accused persons also started firing and when he was taken to the  
Hospital, he was declared dead there.

It has been submitted on behalf of the petitioner that  
the petitioner has not been named in the FIR and his name had



surfaced only on the basis of confessional statement of co-accused Ashok Kumar Mahto, who has already been granted bail vide order dated 13.07.2017 in Criminal Miscellaneous No. 23458 of 2017. One of the co-accused Shambhu Sahni has also been granted bail by a co-ordinate bench of this Court vide order dated 17.10.2017 in Criminal Miscellaneous No. 50296 of 2017. On the search of the premises of the petitioner, arms were recovered from his possession. Informant is the own brother of deceased and motive of said killing is attributed to some dispute with his own brother on account of land dispute. The petitioner is rotting in jail since 21.04.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional Sessions Judge, Rosera** in connection with **S.Tr. No. 446 of 2017** arising out of **Bibhutipur P.S. Case No. 02 of 2017**.

(S. Kumar, J)

ranjan/-

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