

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4633 of 2017

Arising Out of PS.Case No. -28 Year- 2014 Thana -HASANPUR District- SAMASTIPUR

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Baidya Nath Paswan @ Baidya Nath Pawan, S/o Bisheshwar Paswan,
Resident of Village- Murraha, Police Station- Hasanpur, District-
Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Abhimanyu Sharma, Advocate

For the Opposite Party : Mr. Tarkeshwar Nath Thakur (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Hasanpur P.S Case No. 28 of 2014 registered for the offences
punishable under Section 307/34 of the Indian Penal Code.

The allegation against the petitioner is that he opened
fire twice upon the informant which first hit near the elbow of
right hand and again in right ribcage.

Submission is of false implication and that the
prosecution story appears not probable and reliable. It is not
believable that the informant was seeing the petitioner in opening
fire, the petitioner has been made victim of the circumstances and,
as such, the petitioner deserves sympathetic consideration.



Learned A.P.P seriously opposes the prayer of bail by submitting that grievous injury has been found on the person of the informant caused by fire arms and the petitioner has got criminal antecedent as he is involved in five more serious cases.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Hasanpur P.S. Case No. 28 of 2014, pending in the court of learned Additional Chief Judicial Magistrate IIIrd Rosera at Samastipur.

(Jitendra Mohan Sharma, J.)

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