

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12070 of 2019

Arising Out of PS. Case No.-92 Year-2017 Thana- GAURICHAK District- Patna

1. DAYA NAND PASWAN @ DAYANAND PRASAD, Son of Nauratan Paswan, R/o village- Mohanpur, P.O- Mohanpur, P.S- Punpun, District- Patna
2. Sunil Pawan, Son of Ganauri Paswan, R/o village(Previous)- Bhargawan, P.S- Gaurichak, District- Patna. At present - Barni, P.S- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sadanand Paswan, Advocate.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-02-2019 Heard learned counsel for the petitioners and the State.

The petitioners seek bail in **Gaurichak P.S. Case No. 92 of 2017**, instituted for the offence under Section(s) 302, 120B/34 of Indian Penal Code and Section 27 of the Arms Act.

It is alleged in the written report that when the informant was returning with her husband from *sasural* of her sister and reached at Bihta-Sarmera four lane, 8-10 miscreants armed with weapons intercepted the car of her husband and started indiscriminate firing, on account of which, the husband of the informant died on the spot. It is further alleged that husband of sister of the informant namely Tuntun Singh was in



another car. The miscreants fired three round on him as a result of which he became unconscious and fell down. Out of 8-10 miscreants, the informant identified three persons in the light of car namely, Dayanand Paswan, Niranjana Paswan and Sunil Paswan.

Counsel for the petitioners submits that in the written report the informant has not levelled any specific allegation against the petitioners of making firing. She has stated that in the light of car, she has identified three miscreants. He further submits that injured Tuntun Singh has given statement under Section 164 Cr. P.C. in which he has not taken the name of petitioner. He has stated that he could not identify any of the miscreants as they have covered their face. Co-accused Niranjana Paswan with similar allegation has already been granted bail by this Court vide order dated 26.10.2018 passed in Cr. Misc. 64248 of 2018.

Petitioner is in custody since 16.01.2019 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioners for grant of bail is allowed. Let the petitioners above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with



two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-7, Patna City, Patna**, in connection with **Gaurichak P.S. Case No. 92 of 2017**, subject to the condition that both the bailors will be close relatives of the petitioners.

(Sanjay Priya, J)

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