

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10915 of 2020

Arising Out of PS. Case No.-85 Year-2019 Thana- PARAIYA District- Gaya

RAMVRIKSHA PASWAN S/o Late Mahadev Paswan Resident of Village-
Paranpur, P.S.- Paraiya, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-02-2020 Heard both sides.

The petitioner seeks bail in Paraiya P.S. case No. 85/
2019 registered under Section 302, 307, 504, 506, 34 of the
Indian Penal Code.

The informant, Devlal Yadav, alleged that he along with
Chhotu Yadav, Basant Kumar, Yamuna Yadav, Kishori Yadav,
Golki Yadav, Birendra Yadav, Rajbali Yadav, Narayan Yadav,
Raju Yadav, Raja Ram Yadav and other villagers went to the
house of Nago Mahto to complain that his son committed theft
in the shop of Basant Kumar of village Churi, P.S. Chandauti. It
is further alleged that Pramod Kumar, son of Nago Mahto, Dilip
Paswan, son of Ramvriksha Paswan, Nago Mahto, Ramvriksha
Paswan and two others were present there. Nago Mahto
exhorted to assault. On such, the accused persons began to



assault the informant and others but in the meantime Pramod Kumar gone inside the house and came out with a pistol. Pramod Kumar started indiscriminate firing but Chhotu Yadav fell down. Dilip Paswan, Nago Mahto, Ramvriksha Paswan, the petitioner, and two others caught him. When the informant tried to save Chhotu Yadav, Pramod Kumar fired on his head and Chhotu Yadav died.

The learned counsel for the petitioner submits that petitioner is, of course, named in the FIR but no specific allegation of assault is made against the petitioner. The informant and others had come to complain about the theft committed by son of Nago Mahto. The petitioner is grand father of Pramod Kumar. There is specific allegation against Pramod Kumar who is said to have fired on the head of Chhotu Yadav, who died on the spot. Only one fire arm injury was found in the head of Chhotu Yadav but all the family members have been made accused. The petitioner is in custody since 15.11.2019.

Considering the facts that there is specific allegation against Pramod Kumar who is alleged to have fired causing fire arm injury in the head of Chhotu Yadav but no specific allegation is made against the petitioner rather the petitioner is not the assailant of the deceased, the petitioner, above named is



directed to be enlarged on bail on his furnishing bail bond of Rs.
10,000/- (rupees ten thousand) with two sureties of the like
amount each to the satisfaction of the learned Additional Chief
Judicial Magistrate III, Gaya in connection with Paraiya P.S.
case No. 85/ 2019.

(Prabhat Kumar Jha, J)

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