

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20663 of 2020**

Arising Out of PS. Case No.-40 Year-2018 Thana- BIHARSHARIF District- Nalanda

KARU PASWAN Son of Sadhu Paswan Resident of Village - Paharpura, P.s.-
Biharsharif, Dsit.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 13-08-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 323, 326, 337, 328, 307, 504 and 506 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, as per the written report of
Md. Manav, submitted to the Station House Officer, Bihar
Police Station is to the effect that on 03.02.2018 at about 9
A.M., one Karu Paswan, son of Gaurav Paswan was coming by
a pickup van when he tried to dash one Md. Arshad but he
somehow he managed to save himself, thereafter, co-accused



Karu Paswan started abusing Md. Arshad. In the meantime, the supporters of co-accused Karu Paswan came on the spot when son of Md. Arshad tried to pacify the issue. In the meantime, co-accused Karu Paswan ordered to kill when 16 FIR named accused persons, including the petitioner, whose name is also Karu Paswan, son of Sadhu Paswan started pelting stones. Some of the accused persons were armed with rifle when co-accused Karu Paswan snatched the rifle from co-accused, Shrawan and indiscriminately resorted to firing as a result, Md. Nabab, Md. Naushad and Md. Tufail received firearm injury, leading to registration of FIR.

Learned counsel for the petitioner submits that from the opening line of the FIR, it appears that the thrust of accusation is against co-accused, Karu Paswan, son of Gaurav Paswan, who tried to dash Md. Arshad and subsequently resorted to fire. Though, the accusation has been levelled in the FIR that Karu Paswan resorted to fire, but his parentage has not been mentioned and said co-accused Karu Paswan has been granted anticipatory bail by a Co-ordinate bench of this Court, vide order dated 16.11.2019, passed in Cr. Misc. No. 49689 of 2019. There is counter version of the occurrence also, being Bihar P.S. Case No. 41 of 2019. The impugned order has been



passed by the learned Sessions Judge after going through the case diary, but it does not appear from the impugned order that the injury has been found to be grievous. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the State submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that from the FIR it appears that the thrust of accusation is against co-accused, Karu Paswan, Son of Gaurav Paswan, the accusation against the petitioner, Karu Paswan, son of Sadhu Paswan is general and omnibus, similarly situated co-accused person has been granted anticipatory bail by a Co-ordinate bench of this Court and statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Bihar P.S. Case No. 40 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

However, in view of the present pandemic



COVID- 19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode. The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Bihar P.S. Case No. 40 of 2018. The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Ashwini

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