

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82996 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

=====

Krishna Murari Paswan @ Murari Paswan, Son of Late Lakhan Paswan,
Resident of Village - Asthana, P.S.- Sheikhopur Sarai, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-03-2020 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in the present case is seeking regular bail
in connection with Sheikhopur Sarai P.S. Case No.3 of 2019
registered for the offence punishable under Sections 341, 323, 324
and 307 of the Indian Penal Code, Section 3/4 of the Explosive
Substance Act and 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner and the informant are close-door neighbours and this
case has been concocted against the petitioner by the informant
who is posted as chowkidar and has got attached to the police
personnel. It is his submission that although in the FIR there is an
allegation that the petitioner had hurled the bombs upon the
informant thrice, but none of these bombs hit the informant,



therefore, he did not sustain any injury. It is alleged that one Uday Ravidas who was with the informant had got injury in the left side of his inner thigh. Learned counsel further submits that there is also an allegation of firing but at the same time it is stated in the FIR that none of those firing hit the informant or the said Uday Ravidas.

It is the submission of learned counsel for the petitioner that in course of investigation nothing has been brought on record to show that tin box which were recovered from the alleged place of occurrence contained any bomb. It is further submitted that the injury report of Uday Ravidas which has been prepared one day after the alleged occurrence shows that Uday Ravidas had gone to doctor with some bandage and on removal thereof the doctor found lacerated wound which were simple in nature and in the opinion of the doctor those were caused by hard and blunt substance. It is his submission that no independent witness has come forward in course of investigation to support the allegation.

Learned APP for the State though initially opposed the prayer for regular bail of the petitioner but as the argument progressed learned APP admits that in course of investigation no independent witness has come forward to support the allegations and the tin box which were allegedly recovered from the place of occurrence were not tested in any FSL and hence, there is no



report that those were having bombs.

Considering the facts and circumstances of the case wherein it appears that the informant has not suffered any injury, both informant and the petitioner are close-door neighbours and the submission is that taking benefit of his proximity with the police personnel the informant has lodged the present FIR just to harass the petitioner and the injury found on the body of Uday Ravidas is simple in nature caused by hard and blunt substance, the petitioner has no criminal antecedent and there is no argument that his release on bail is likely to interfere with the course of trial and/or the petitioner may indulge in tampering with the evidence, let the petitioner above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Sheikhpura in connection with Sheikhopur Sarai P.S. Case No.3 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

