

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15021 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- BIHIA District- Bhojpur

NAMI PASWAN, S/o Sri Nand Kumar Paswan, R/o village and P.S.- Tiar,
District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amitabh Sohan, Adv.

For the Opposite Party/s : Md.Arif, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 332,333,353,307,34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case, in brief is that on 21.03.2020 in the morning he received information that a notorious criminal Dani Yadav, the co-accused herein was hiding in the house alongwith other members including the petitioner and members of his gang on seeing the police team tried to flee from the back door. On



being asked by the raiding team to surrender, the petitioner and his members opened fired at the police team, missing them marginally. It was then that the informant had to fire in self defence of his team and the bullet hit Dani Yadav in his right thigh. Though the accused tried to flee, the police managed to nab him but his gang members managed to run away. A pistol was found in the hand of the co-accused along with three live cartridges in his left pocket for which the present FIR was registered against the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioner, except co-accused, namely Dani Yadav fired upon him and also fired upon the police. He further submits that from perusal of the records, it is clear that the petitioner is the member of the mob. The petitioner is languishing in judicial custody since 07.11.2020. The petitioner has got 06 criminal antecedents which is mentioned in para 3 of the bail petition.

Learned APP for the State opposed the prayer for bail of the petitioner.

Considering the general and omnibus allegation



against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Bihiya P.S. Case No. 77/2020 (GR No.1279/2020 to the satisfaction of learned Court below where the case is pending/ successor court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the



investigation, if not already concluded and make himself
available as and when so required and in case of failure, the
State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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