

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19510 of 2021**

Arising Out of PS. Case No.-71 Year-2020 Thana- OBRA District- Aurangabad

Santosh Paswan Son Of Late Ramashish Paswan R/O Village- Ratwar, P.O.-
Kurhama, P.S.- Obra, District- Aurangabad (BIHAR).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv

Ms. Priyanka Singh, Adv

For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 24-07-2021 Learned Senior Counsel for the petitioner undertakes
to remove all the defects pointed out by the Stamp Reporter
within four weeks after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioner and
Mr. Anil Kumar, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Obra P.S. Case No. 71 of 2020 registered
for the offences punishable under Sections 147, 148, 149, 341,
323, 302, 504 and 506 of the Indian Penal Code and Section 27
of the Arms Act.

Learned Senior Counsel for the petitioner submits that
as per the prosecution story on 04.04.2020, at 05:30 A.M. Anil
Paswan abused the informant and threatened him to kill when
the informant opposed the construction of a hut and a brick wall



on the land of his grandfather by Anil Paswan. At 07:00 A.M. Anil Paswan fired upon the brother of the informant. On hearing the sound of firing, the informant and other villagers rushed there. Then Santosh Paswan along with his other family members came lased with lathi and danda and assaulted the informant. It is alleged that the brother of the informant died in course of treatment.

Learned Senior Counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there are general and omnibus kind of allegations. It is submitted that there is no specific allegation of commission of overt act against the petitioner rather specific allegation of firing upon the brother of the informant is against co-accused Anil Paswan. It is further submitted that similarly situated co-accused Manoj Paswan has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 12394 of 2021. The petitioner is in jail since 06.04.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein this Court has noticed that the petitioner is though



named in the First Information Report but there is no specific allegation of commission of overt act against him, the specific allegation is against co-accused Anil Paswan who had shot dead brother of the informant, further that the co-accused Manoj Paswan has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 12394 of 2021, this petitioner has got no criminal antecedent and has remained in custody in connection with this case since 06.04.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Aurangabad in connection with Obra P.S. Case No. 71 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

