

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35012 of 2021**

Arising Out of PS. Case No.-131 Year-2020 Thana- BAKHTIYARPUR District- Patna

SARWAN PASWAN Son of Rammi Paswan Resident of Village - Dedaur,
P.S.- Bakhtiyarpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Sateyendra Pd, APP

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

3 21-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Bakhtiyarpur P.S. Case No. 131 of 2020 corresponding to Sessions Trial No. 378 of 2020, registered for the offence punishable under Sections 302/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, while the father of informant was sitting on the road near the house of Binay Singh, all the accused persons including this petitioner armed with rod, lathi and pistol came there and started abusing and also assaulted him and asked him to withdraw the case and also demanded extortion of Rs. 2 lakh. Further alleged that co-accused Chandan Paswan fired on the back of informant's



father, as a result of which he died on the way to the hospital.

It is submitted on behalf of the petitioner that there is general and omnibus allegation against this petitioner. Specific allegation of firing is against co-accused Chandan Paswan. As per the postmortem report, only one firearm injury was found on the person of deceased. Both parties are agnates. Admittedly, there is land dispute between the parties. Petitioner is in custody since 29.09.2020.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge IV, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 131 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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