

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36298 of 2021**

Arising Out of PS. Case No.-14 Year-2020 Thana- KHUDWA District- Aurangabad

CHHABILA PASWAN S/O BHIKHRAJ PASWAN R/o village- Bharkur, P
.S.- Muffasil, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Adv.

For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 22-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Khudwan P.S. Case No. 14 of 2020 registered for the offence under Sections 427, 307, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner along with other are said to have fired upon the informant as a result of which he sustained gun shot injury.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been



implicated in this case. In fact, the alleged occurrence took place on 02.04.2020 whereas the instant F.I.R. has been lodged on 09.04.2020 after lapse of almost seven days without explaining the plausible delay which creates doubt over the prosecution version. No occurrence as alleged in the F.I.R has ever taken place. Nothing incriminating has been recovered from the conscious possession of the petitioner. Moreover, the co-accused, namely, Ranjan Paswan has already been granted bail by a co-ordinate Bench of this Court vide order dated 10.02.2021 passed in Cr. Misc. No. 38861 of 2020. The petitioner is rotting in custody since 12.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st, Daudnagar, Aurangabad in connection with Khudwan P.S. Case No. 14 of 2020 with the following conditions:-



(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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