

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1026 of 2021

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

1. Vakil Paswan Son of Late Bhikhan Paswan Resident of Village - Debar, P.S.- Bakhtiarpur, District- Patna.
2. Dilip Paswan Son of Vakil Paswan Resident of Village - Debar, P.S.- Bakhtiarpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey
Mr. Suraj Kumar, Advocates.
For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 04-05-2021 Heard Mr. Sunil Kumar Pandey, learned counsel for the petitioners and Mrs. Asha Kumari learned APP through video conferencing.

Petitioners seek regular bail in connection with Bakhtiyarpur PS Case No. 131/2020 for the offence punishable under Sections 302/34 along with Section 27 of the Arms Act.

The allegation as per First Information Report is that while father of the informant was sitting near the house of one Vinay Singh, petitioners along with other named accused persons arrived there armed with pistol, lathi, rod etc and started abusing and assaulting the father of the informant and also demanded a sum of Rs. 2 Lacs. It has further been alleged that



co-accused, Chandan Paswan fired upon the back of father of the informant who subsequently, died.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to village politics and from perusal of the FIR, it would be evident that allegations against the petitioners are general and omnibus in nature whereas specific allegation of firing is against co-accused, Chandan Paswan, due to which, father of the informant died.

Learned counsel further submitted that similarly situated co-accused persons have been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 2803/2021. Learned counsel next submits that petitioners are in custody since 19.09.2020 and the charge-sheet has already been submitted.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated persons have been granted bail by a Co-ordinate Bench of this Court and the allegation against the petitioners are general and omnibus in nature, I am inclined to grant regular bail to the petitioners, subject to the conditions that (1) petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below, (2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

Accordingly, let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh in connection with Bakhtiyarpur PS Case No. 131/2020.

It is worth mentioning here that covid protocol like social/physical distancing, sporting masks must be followed strictly by the parties while furnishing bail bonds.

(Anil Kumar Sinha, J)

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