

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2803 of 2021

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

1. Siyaram Paswan aged about 50 years Son Of Jai Hind Paswan Resident Of Village - Dedaur, P.S. - Bakhtiyarpur, District - Patna.
2. Alok Paswan aged about 21 years Son Of Siyaram Paswan Resident Of Village - Dedaur, P.S. - Bakhtiyarpur, District - Patna.
3. Mannu Paswan aged about 35 years Son Of Jai Hind Paswan Resident Of Village - Dedaur, P.S. - Bakhtiyarpur, District - Patna.
4. Jai Ram Paswan aged about 30 years Son Of Shyamdeo Paswan Resident Of Village - Dedaur, P.S. - Bakhtiyarpur, District - Patna.
5. Bhagwan Paswan aged about 34 years Son Of Ghutar Paswan Resident Of Village - Dedaur, P.S. - Bakhtiyarpur, District - Patna.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Manoj Kumar Pandey, Advocate
For the State	:	Mr. PK Pandey, Addl Public Prosecutor
For the informant	:	Mr. AK Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-03-2021 Heard learned counsel for the petitioners and the State.

Petitioners seek bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution case, accused persons including the petitioners armed with pistol, lathi, rod etc came to the house of the informant and started abusing and assaulting his father asking him to withdraw a case. They also demanded



cash Rs.2 lacs. It is further alleged that co-accused Chandan Paswan opened fire on the back of informant's father as a result of which he sustained injury and died.

Learned counsel for the petitioners submits that there is general and omnibus allegation against these petitioners and the specific allegation of making fire and causing death of informant's father is against co-accused Chandan Paswan. Charge sheet has already been submitted. Doctor in the post mortem report has also opined that the victim died of only one firearm injury. It is also submitted that parties are agnate and there is pending land dispute between them. Petitioner no. 1 to 3 are in custody since 7.10.2020 and petitioner no. 4 and 5 are in custody since 29.9.2020.

Learned counsel for the State opposes the prayer for bail submitting that these petitioners also participated in the aforesaid crime and they are named in the FIR as well.

Considering the fact that the author of lone fatal shot is co-accused Chandan Paswan and there is general and omnibus allegation against the petitioners and the Charge sheet has already been submitted, prayer for bail of the petitioners is allowed. Let the petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each



with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate III, Barh, Patna in Bakhtiyarpur Police Station Case No. 131 of 2020 on the following conditions:-

(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.

(Prabhat Kumar Singh, J)

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