

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7350 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- BELDOUR District- Khagaria

PAPPU PASWAN SON OF LATE NAGO PASWAN RESIDENT OF
VILLAGE- ROHIYAMA, POLICE STATION- BELDOUR, DISTRICT-
KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-06-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defect(s), if any, be removed within four
weeks from today.

The petitioner seeks regular bail in connection with
Beldour Police Station Case No. 222 of 2021 instituted for the
offences punishable under Section 302 of the Indian Penal Code
and Section 27 of the Arms Act.

Learned counsel for the petitioner submitted that
petitioner is in jail since 28.09.2021, charge-sheet has been
submitted and has no criminal antecedent.

The F.I.R. lodged against unknown person by
Chaukidar that he got information on 26.09.2021 at about 9.45



P.M. in the night at village Rohiyama in front of Bangla of Shanichar Choudhary Haribal Yadav is lying in injured condition and he shot dead by unknown persons. Thereafter informant went there and saw his dead body, another villager Kishudeo Choudhary was also injured condition near the Bangla of Shanichar Choudhary and he was also lying injured in the lane and informant went there in the lane of Ramesh Paswan where injured was found. villagers told that there was old dispute between them at the time of occurrence Dholan Choudhary was also present at the Bangla of Shanichar Choudhary and he was absconding. Kishundeo Choudhary was also dead and both had criminal antecedent.

The learned counsel for the petitioner submits that petitioner is not named in the F.I.R., his name has been revealed during investigation on the basis of confessional statement of Dholan Choudhary in the said confessional statement, there is no specific overt act against the petitioner. It is also submitted that there was no role of the petitioner in the alleged occurrence. It is further submitted that during course of investigation, the material against the petitioner has come that he called Kishundeo Choudhary @ Hukum Choudhary and brought him at the door of Shanichar Choudhary @ Shanideo Choudhary in



the meeting of Gram Panchayat Election.

It is further submitted that from the first information report it appears that there is no any eye witness of the occurrence and the occurrence took place in the dark night and there was no source of identification. It is further submitted that except suspicion there is no material against the petitioner.

Learned counsel for the State vehemently opposes the bail of the petitioner.

Considering the facts that the petitioner is in custody since 28.09.2021, chargesheet has been submitted and has no criminal antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) only with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Khagaria in connection with Beldour P.S. Case No. 222 of 2021.

(Khatim Reza, J)

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