

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7868 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- GAURICHAK District- Patna

Manoj Paswan @ Manoji Paswan S/o Late Rama Paswan @ Ram Paswan
Resident of Satauli, P.S. - Gaurichak, Dist. - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Mohan, Advocate
For the Opposite Party/s	:	Mr. Pranav Kumar, APP
For the informant	:	Mr. Vijay Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Gaurichak P.S. Case No. 129 of 2021 registered
for the alleged offences under Sections 147, 148, 341, 323, 504,
506, 447, 307, 379 and 324 of the Indian Penal Code.

As per prosecution case, in the background of dispute
between the children of two families, the petitioner along with
other co-accused persons variously armed, came to the house of
the informant and started assaulting the informant and his
family members. Further allegation against the petitioner is that
he fired upon the son of the informant with a country made



pistol (*Desi Katta*) and the shot hit the son of the informant in his abdomen. They also took away a box.

Learned counsel for the petitioner submits that from the F.I.R., it is evident that the occurrence took place due to a quarrel between the children of two sides, but true fact of the case is that the daughter of the petitioner was molested by one of the family members of the informant who tried to commit rape with her. For this occurrence, wife of the petitioner has filed a complaint case before the court of learned A.C.J.M.-I, Patna City. Learned counsel further submits that it is apparent from the F.I.R. that occurrence took place in the heat of moment under grave and sudden provocation. The injury sustained by the injured Vikash Kumar is not serious in nature and opinion regarding injury has been reserved. Injuries on two other persons are simple in nature. The charge-sheet has been submitted in this case. The petitioner is in custody since 07.09.2021 and he is having clean antecedent.

Learned counsel appearing on behalf of informant as well as learned APP oppose the prayer for bail. Learned counsel for the informant submits that there is specific allegation against the petitioner that he fired with his country made pistol and his shot hit the son of the informant in his stomach. In the



indiscriminate firing by the petitioner, another son of the informant and one Asha Devi received injuries.

Perused the record.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission regarding background of the case and further considering the nature of allegation and the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Patna City, Patna, in connection with Gaurichak P.S. Case No. 129 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be



cancelled by the court concerned.

(Arun Kumar Jha, J)

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