

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13657 of 2022

Arising Out of PS. Case No.-71 Year-2020 Thana- OBRA District- Aurangabad

RIKESH PASWAN @ RIKESH KUMAR Son of Birju Paswan Resident of
Village - Ratwar, P.S. - Obra, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-07-2022 Let the defects, if any, be removed within four
weeks from today.

At the very outset, learned counsel for the
petitioner seeks permission to make necessary correction in
Para-1 of the application within course of the day.

Permission is accorded.

Heard Mr. Sanjay Kumar learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State.

Petitioner seeks bail in a case registered in
connection with Obra P.S.Case No. 71 of 2020 for the
offences punishable under Sections 147, 148, 149, 341, 323,
504, 506 and 302 of the Indian Penal Code and Section 27



of the Arms Act.

As per the prosecution case, it is alleged that on 04.04.2020 the accused Anil Paswan started to construct a hut on his own maternal uncle's land, the informant opposed the construction of a hut and break the wall made on the land of the grand-father. Soon thereafter, it is alleged that Anil Paswan came with pistol and fired upon brother of the informant due to which he died. The petitioner is said to be a member of unlawful assembly.

It is submitted by the learned counsel for the petitioner that there is no specific allegation of any overt act attributed against the petitioner rather it is alleged that he was present at the place of occurrence and except that there is nothing against the petitioner. It is next submitted that specific allegation of firing has been levelled against the co-accused Anil Paswan and moreover, the accused having identical allegation, has been granted bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 19510 of 2021 vide order dated 24.07.2021. it is also submitted that other co-accused persons have also been granted bail by different Benches of this Court, the copy of which have



been brought on record by way of Annexure-2 series. It is lastly submitted that this petitioner is in custody since 24.12.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has actively participated in the alleged crime.

Having heard the rival contentions of the parties and taking into consideration that general and omnibus nature of allegation against the petitioner and moreover, other co-accused persons having similar allegation have been granted bail by a co-ordinate Bench of this Court and he is in custody since 24.12.2021, let the petitioner, above named, 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 Sub Divisional Judicial Magistrate, Daudnagar (Aurangabad) in connection with Obra P.S. Case No.71 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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