

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13352 of 2022**

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

ANIL PASWAN S/O RAMASHISH PASWAN R/o village- Ratwar, P.S.-
Obra, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-10-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

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

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Obra P. S. Case No. 71 of 2020 giving rise to Sessions Trial No. 46 of 2021 (102/21) registered for the offences punishable under Sections 147, 148, 149, 341, 323, 302, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on the *fardbayan* of



the informant alleging therein that on 05.04.2020 at about 07:00 A.M., while the brother of the informant was going to tie the cattle, in the meantime, on account of the earlier altercation, some scuffle took place between the petitioner and brother of the informant. In the meanwhile, the petitioner came out with a country-made pistol and fired upon the brother of the informant due to which he succumbed to the injuries. It is further alleged that after hearing the *hulla*, some persons came to the place of occurrence, thereafter, the petitioner fled away after showing the pistol and gave threatening to all.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it would be evident that there is no eye-witness to the alleged occurrence as the informant came to the place of occurrence after having heard the *hulla* and in fact, only on account of past animosity, the name of the petitioner has been implicated in this case. It is also submitted that there is a counter version of the present occurrence instituted by the petitioner himself being Obra P. S. Case No. 72 of 2020. It is further submitted that as a matter of fact, on the alleged date of occurrence a free fight was taken place in which the members of both the sides have sustained injuries, however the prosecution



has failed to explain the injuries sustained over the members of the other side. It is last submitted that the petitioner is in custody since 06.04.2020.

On the other hand, learned APP for the State opposes the bail application and submits that specific allegation has been levelled against the petitioner that he fired upon the brother of the informant causing his death.

Regard being had to the submissions made on behalf of the parties and taking into account the specific nature of accusation and the gravity of the offence, this court is not persuaded to enlarge the petitioner on bail.

Accordingly, the present application stands rejected for present.

However, it is expected that the learned trial court will take all necessary measures to expedite and conclude the trial as early as possible.

(Harish Kumar, J)

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