

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17274 of 2022

Arising Out of PS. Case No.-133 Year-2020 Thana- BENIPATTI District- Madhubani

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DHIRAJ PASWAN @ DHEERAJ PASWAN Son of Bharat Paswan Resident
of Village - Lorika, Police Station - Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Lakshmi Kant Sharma, Advocate
for Informant	:	Mr. Ayush Kumar, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-06-2022 Heard learned senior counsel for the petitioner,

learned counsel for the informant and learned APP for the State.

The petitioner has renewed his prayer for bail in a case
registered under sections 302, 386 and 34 of the Indian Penal
Code and section 27 of the Arms Act. .

As per the prosecution case, the six named accused
persons including the petitioner herein are said to have assaulted
the brother of the informant. It is stated that the petitioner was
carrying a pistol while the other accused persons were carrying
different arms. On being taken to the hospital the brother of the
informant was declared dead.

It is submitted by learned senior counsel appearing for
the petitioner that the earlier application for bail of the petitioner



was rejected vide order dated 5.8.2021 (Annexure-1). It is submitted that contrary to the allegations in the FIR of the petitioner having resorted to indiscriminate firing, from the contents of the postmortem report it would transpire that no firearm injury has been found on the body of the deceased. The petitioner is in custody since 13.6.2020.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR together with the contents of the postmortem report and the petitioner having remained in custody since 13.6.2020, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no. 108 of 2020 (arising out of Benipatti P.S. case no. 133 of 2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Madhubani.

(Partha Sarthy, J)

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