

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19378 of 2022

Arising Out of PS. Case No.-65 Year-2021 Thana- BUNIYAD GANJ District- Gaya

Pintu Paswan, S/O Sidhi Paswan, Resident Of Mohalla- Gandhi Nagar, P.S.-
Mufassil, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

At the outset, learned counsel for the petitioner seeks permission to make correction in the name of police station in the title portion of the petition where the description of the petitioner is provided.

He is permitted to do so.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Buniyadganj P.S. Case No.65 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 386, 302 and 379 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 31.08.2021. The petitioner



has got four criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, some days before the occurrence, some unknown persons came to the shop of the informant and demanded Rs.10,000/-. When the informant did not give them the said amount, they threatened to kill him. On 19.04.2021 at 10:30 A.M., the informant received a telephonic message that his brother Ranjan Kumar has been killed whereupon the entire family rushed to the place of occurrence and saw Ranjan Kumar (brother of the informant) in injured condition and the informant came to know from his cousin brother who was with Ranjan Kumar that some scuffle had taken place between informant's brother and Sintu Kumar but the matter was pacified and later on, the said Sintu Kumar came with 15-20 accused persons lashed with weapons and surrounded the brother of the informant. It is alleged that co-accused Chiku took out his pistol and demanded Rs.10,000/- as *Gundai* and co-accused Durga fired upon the informant's brother. It is also alleged that Chiku, Kunal and Kallu snatched silver chain, co-accused Pintu Paswan (this petitioner) took out cash from the pocket of the informant's brother and co-accused Karu Paswan and Dheeraj Paswan also assaulted the informant's brother and Kundan Paswan, Kunal Pandit and Golu Kumar @ Golu Singh fled away doing firing. The brother of the informant was



brought to the hospital where he was declared dead.

Learned counsel submits that the petitioner has falsely been implicated in the present case. It is submitted that there is no allegation of any overt act against the petitioner. The petitioner has remained in custody since 31.08.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that so far as this petitioner is concerned, there is no allegation of commission of any overt act against him, an ornamental allegation has been made against him that he took out cash from the pocket of the informant's brother and further submission that the petitioner has remained in custody since 31.08.2021, investigation against him is complete and his presence may also be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VIII, Gaya in connection with Buniyadganj P.S. Case No.65 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 cancellation 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.

And further condition that after release henceforth once in every two months the petitioner shall mark his attendance before the S.H.O. of Mufassil police station in the District of Gaya and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Mufassil police station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

Let a copy of this order be sent to the office of Senior Superintendent of Police, Gaya to issue necessary instruction to the concerned officer-in-charge of Mufassil police station.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

