

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33662 of 2021

Arising Out of PS. Case No.-131 Year-2020 Thana- BAKHTIYARPUR District- Patna

Karan Kumar Son of Rapravesch Paswan Resident of Village - Dedaur, P.S.-
Bakhtiyarpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Akbar Ali, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 21-06-2022 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 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 Bakhtiyarpur P. S. Case No. 131 of 2020 giving rise to Sessions Trial No. 378 of 2020 registered for the offences punishable under Sections 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on 15.05.2020 at about 05:30 P.M., while the father of the



informant sit at his house, in the meantime, five accused persons armed with pistols surrounded him and further other co-accused persons including this petitioner also arrived there and started abusing his father and assaulted him. It is further alleged that co-accused Chandan Paswan shot fire on the back of the father of the informant due to which he sustained injury and during the course of the treatment he died.

Learned counsel appearing on behalf of the petitioner submitted that there is specific allegation that co-accused, namely, Chandan Paswan, Kunal Paswan, Sudhir Paswan and Bittu Paswan were armed with pistols and Chandan Paswan fired upon the back of the father of the informant due to which, he sustained fire-arm injury and succumbed to the injuries. It is further submitted that there is general and omnibus allegation against other co-accused persons that they assaulted the deceased with *lathi* and rod but the same has not been corroborated by the post mortem report in as much as except fire-arm injury no other injuries have been found over the body of the deceased. It is next submitted that there is admitted land dispute as evident from the F.I.R. itself and due to which many of the family members have been implicated in the present case. It is also submitted that this petitioner has fair antecedent and he



is in custody since 29.09.2020.

On the other hand, learned APP for the State opposes the bail application and submits that there is specific allegation against this petitioner that he has actively participated in the crime. However, he fairly conceded the post mortem report does not corroborate the allegation of assaulting the deceased with *lathi* and *danda*.

Having considered the submissions made on behalf of the parties and taking into account the fact that there is general and omnibus nature of allegation against all the accused persons except one Chandan Paswan, who has shot fire upon the deceased in as much as the post mortem report does not support the allegation of assaulting the deceased with *lathi* and *danda* and moreover, the investigation has already been concluded and the charge-sheet has been submitted in this case and this petitioner is in custody since 29.09.2020, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV, Barh, Patna in connection with Bakhtiyarpur P. S. Case No. 131 of 2020 giving rise to Sessions Trial No. 378 of 2020, subject to the condition that one of the



bailors will be the close relative 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.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

