

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23410 of 2022

Arising Out of PS. Case No.-196 Year-2021 Thana- GAYA MUFASIL District- Gaya

Pintu Paswan S/o- Sidhi Paswan Resident of Mohalla - Manpur Gandhi
Nagar, P.S.- Muffasil, Distt. - Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Mahendra Thakur, 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 Gaya Muffasil P.S.Case No. 196 of 2021
for the offences punishable under Sections 341, 323, 307,
504, 506/34 of the Indian Penal Code and Section 27 of the
Arms Act.

As per the prosecution case, it is alleged that on
25.04.2021, when the marriage of informant' son Deepak
Kumar was going to be solemnized five persons including



this petitioner started assaulting his another son Suraj Kumar causing head injury. It is further alleged that this petitioner and co-accused Kundan Paswan made indiscriminate firing causing one bullet injury on the hand of the informant.

Learned counsel for the petitioner submits that even as per the FIR, no case under section 307 of the Indian Penal Code is made out. The entire accusation reveals around the other co-accused persons that they fired upon informant and no injury has caused to any other person. It is further submitted that there is no specific allegation attributed against the petitioner rather general and omnibus allegation has been levelled against two of the persons including this petitioner. It is further submitted that only because of the past criminal antecedent of the petitioner his name has been implicated as one of the main assailant. It is next submitted that this petitioner is in custody since last one year and moreover, the investigation of the crime is already been completed.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits



that petitioner has found involved in four other cases. In response to the learned counsel for the petitioner submits that petitioner is on bail in all the cases.

Having heard the rival contentions of the parties and taking into consideration the nature of allegation as well as injury and period of detention of the petitioner, 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 Additional Chief Judicial Magistrate, Gaya in connection with Gaya Muffasil P.S.Case No. 196 of 2021 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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