

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34399 of 2021

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

Sudhir Paswan, Son of Late Ramjee 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. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 27-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Man Mohan Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sessions Trial No. 378 of 2020, arising out of Bakhtiyarpur P.S. Case No. 131 of 2020, for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on 15.05.2020 at about 5.30 AM. while the father of the informant was sitting in his house, in the meantime, five accused persons including this petitioner armed with pistols came and surrounded him and further other nine co-accused persons 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 his father, due to which he sustained fire-arm injury and later on died.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is specific allegation against co-accused Chandan Paswan, who fired on the back of the father of the informant, due to which he sustained fire-arm injuries and succumbed thereto. It is further alleged that there is general and omnibus allegation against other co-accused persons that they have abused and assaulted the deceased. However, it is submitted that the post-mortem report suggests only one fire-arm injury, which falsifies the case of assault by the other co-accused persons. It is next submitted that there is admitted land dispute, as is evident from the F.I.R. and due to which all the family members have been implicated in the present case. It is also submitted that the petitioner has fair antecedent and the investigation of the crime is already completed, though the petitioner is in custody since 28.09.2020. It is lastly submitted that similarly situated co-accused persons, named in the F.I.R., have already been granted bail by the different co-ordinate Benches of this Court, the copies of which



have been produced before this Court and the same have been kept on record.

On the other hand learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against this petitioner that he was having armed with pistol in his hand.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is general and omnibus nature of allegation against all the accused persons, except one Chandan Paswan, who had allegedly fired upon the deceased, which resulted into his death and the same has also been corroborated by the post-mortem report and further other co-accused persons, having similar allegations, have been granted bail by different co-ordinate Benches of this Court and moreover this petitioner is in custody since 28.09.2020 having clean antecedent, apart from the fact that investigation of the crime has already completed, let the petitioner, named above, 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 4th Additional Sessions Judge, Barh, Patna in connection with Sessions Trial No. 378 of 2020, arising out of Bakhtiyarpur P.S.



Case No. 131 of 2020, 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.

(Harish Kumar, J)

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