

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25955 of 2022

Arising Out of PS. Case No.-301 Year-2021 Thana- OBRA District- Aurangabad

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DEEN BANDHU PASWAN @ DINBANDHU PASWAN Son of Bhikhari
Paswan Resident of Village - Bharub, P.S.- Obra, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Chandra Bhaskar, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-12-2022 Learned counsel for the petitioner is permitted to

remove the defect (s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case

registered for the offences punishable under Sections

341,323,504,307,506 and 34 of IPC and Section 27 of Arms

Act.

According to prosecution case, several accused

persons including the petitioner attacked the informant Birju

Yadav and Vikash Kumar and started pelting stones on them

where Deenbandhu Paswan, Arun Paswan, Umesh Paswan, Raj

Bihari Paswan, Dinesh Paswan and Vinay Paswan opened fire



with the pistol and Deenbandhu Paswan fired on the informant which hits his leg and he fell down on the ground.

Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that the FIR is in two parts. In first part, there is general and omnibus allegation against all the accused persons and in second part, specific allegation of firing upon the informant is against the petitioner but the injury report of the informant does not support the allegation as alleged in the FIR and there is no firearm injury found on the informant and the injury is simple in nature. Further submits that the several co-accused persons namely, Arun Kumar @ Arun Paswan, Ajeet Kumar @ Bhola @ Ajit Paswan and Raj Bihari Paswan have been granted privilege of anticipatory bail by this Court vide order dated 01.11.2022 passed in Cr. Misc. No.26365 of 2022.

Learned counsel for the informant, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that there is direct allegation in the FIR that the petitioner has fired upon the informant and he sustained injury but fairly submits that there is no injury report on the record to disclose that there is firearm injury upon the



informant.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Obra P.S. Case No. 301 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 antecedents, 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.

(Rajesh Kumar Verma, J)

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