

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26444 of 2022

Arising Out of PS. Case No.-459 Year-2021 Thana- PATORI District- Samastipur

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Shambhu Paswan Son Of Late Phaguni Paswan R/O Village- Baraitha, P.O.-
Dasahra, P.S.- Patory (MOHANPUR O.P.), District- Samastipur, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
(G.R. No. 2811 of 2021), Patory (Mohanpur O.P.) P.S. Case No.
459 of 2021 lodged under Sections 341, 323, 307, 354, 447,
504, 506, 34 of the Indian Penal Code read with Section 27 of
the Arms Act.

The allegation as per the prosecution case is that, 3
named persons including the petitioner started putting pressure
upon the informant for withdrawal of the nomination of his
nephew, when informant's party were not ready then accused
Ram Jatan Paswan ordered for fire on which the petitioner and

one other accused fired. It has been alleged that the firing made by the present petitioner hits on the back of the brother of informant whereas the firing of other accused did not touch anyone, upon which the present case has been filed.

Learned counsel for the petitioner submits that the present case is out and out false case. He further submits that the dispute took place between parties due to election matter. He submits that the allegation of firing in back is false and not supported by the medical report which he annexed at Annexure-2. Learned counsel for the petitioner further submits that petitioner is in custody since 26.02.2022, chargesheet has already been filed in this case. On the point of his criminal antecedent, learned counsel for the petitioner submits that there is one case pending against the present petitioner in which he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that there is a direct allegation in the F.I.R. upon the present petitioner of firing upon the brother of the informant which is supported by the injury report.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail the petitioner at present, but he may renew his prayer for bail after

framing of charge and Court below is directed to release him on bail imposing condition so that he may not evade from trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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