

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26365 of 2022

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

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1. Arun Kumar @ Arun Paswan Son of Ganauri Paswan R/O Village- Bharub, P.S.- Obra, District- Aurangabad
 2. Ajeet Kumar @ Bhola @ Ajit Paswan Son of Ganauri Paswan R/O Village- Bharub, P.S.- Obra, District- Aurangabad
 3. Raj Bihari Paswan Son of Bhikhari Paswan R/O Village- Bharub, P.S.- Obra, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar, Advocate
For the State : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the informant and the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 504, 506 and 34 of the Indian Penal Code and Section 27
of the 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 petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioners. He further submits that the specific allegation of firing is attributed to the co-accused, namely, Deen Bandhu Paswan. He further submits that though there is allegation of firing against the co-accused, but the injury report of the victim suggests that the informant has sustained simple injury.

The learned counsel for the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the



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. Petitioners 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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