

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28520 of 2022

Arising Out of PS. Case No.-217 Year-2021 Thana- SARMERA District- Nalanda

ABHISHEK PASWAN S/o Rambali Paswan R/o village- Rupaspur,P.S.-
Sarmera, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Sinha, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 324, 307/34 of the
Indian Penal Code and Sections 25(1-b)a, 27, 25(9) of Arms
Amendment Act.

According to prosecution case, when the informant on
18.11.2021 in front of her house, women of the house were
dancing on occasion of marriage, meanwhile the petitioner
namely Abhishek Paswan came and went away and after some
time came back with a country made pistol and fired. The bullet
hit one Sandhya Kumari at the back and blood started oozing
out. On the gunshot commotion and chaos was created and



noise was made. Men of the house came and nabbed Abhishek Paswan. However, his brother Niranjan Paswan freed him and helped him flee and then he also fled. It is further alleged that his father Rambali Paswan had supplied arms to the petitioner and is therefore also involved in this case. The health condition of sister-in-law of the informant is serious. The arm used for firing country made pistol and shelf .315 bore was snatched by people and handed over to police.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that petitioner has fired upon the Sandhya Kumari. He further submits that there was no intention or motive to kill the Sandhya Kumari. He further submits that Section 25(9) of Arms Act is a bailable and non-cognizable offence and the informant has falsely implicated the father and brother of the informant in the present case and the injury caused by the petitioner is on non-vital part. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.02.2022.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Sarmera P.S. Case No. 217 of 2021, subject to the 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner 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 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 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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