

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40399 of 2021

Arising Out of PS. Case No.-25 Year-2011 Thana- SARMERA District- Nalanda

BHASHO PASWAN @ BHASHO DAS Son of Late Gariban Paswan @
Gango Das Resident of Village- Godih, P.S.- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar No.1

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-01-2022 Heard the parties through video conferencing.

Petitioner seeks regular bail in connection with Sarmera P.S. Case No. 25 of 2011 registered for the offence under Section 307 / 504 of the I.P.C., Section 27 of the Arms Act and subsequently added Section 302 of the I.P.C.

The allegation in nutshell is that while the informant was coming along with his son Guddu Kumar, he was accosted by one Balendu Bhushan who demanded articles from the son of the informant which were purchased in the market and upon refusal the said Balendu Bhushan fired upon the son of the informant due to which he sustained injury in his head and subsequently died in the hospital.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to village



politics. The petitioner is not named in the FIR. The FIR was registered on 20 / 3 / 2011 and the informant claims to be an eye witness has specifically given the name of the assailant in the FIR as Balendu Bhushan. The further statement of the informant was recorded on 01 / 04 / 2011 by the I.O. and again he disclosed the name of the assailant as Balendu Bhushan. He further stated that the son of the informant – Guddu Kumar (deceased) died in hospital on 06 / 04 / 2011 and according to the prosecution again the statement of the informant was recorded in which the name of the petitioner was disclosed as one of the accomplices of the assailant - Balendu Bhushan. Learned counsel referring to paragraph no. 13 of this bail application submits that the petitioner was not aware about his implication in the present FIR and he came to know about the present case against him when he was arrested by the Police on 12-01-2021.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that petitioner is not named in the First Information Report and in the re-statement of the informant his name was disclosed as an accomplice of the main assailant only after the death of the deceased in hospital, the petitioner is



in custody since 12 / 01 / 2021 , charge sheet has already been submitted and trial is not likely to be concluded in near future due to Covid 19 pandemic, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No. 25 of 2011.

(Anil Kumar Sinha, J)

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