

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.41214 of 2021**

Arising Out of PS. Case No.-252 Year-2019 Thana- RAHUI District- Nalanda

=====

Dharmendra Paswan, Son of Deo Paswan, R/o Village- Pesaur, P.S.- Rahui,
District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr.Arjun Prasad, Advocate

For the Opposite Party : Mr.Ram Anurag Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 14-02-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Anurag Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Rahui P.S. Case No. 252 of 2019 registered
for the offences punishable under Section 324 and 302 of the
Indian Penal Code. He has got three criminal antecedents and in
all the three cases he is said to be on bail. In connection with the
present case, the petitioner is in custody since 11.09.2019.

As per the prosecution story, the son of the informant
got injured from an air gun firing and when he heard the rumor
in the village that his son has got injured, the informant came



across this petitioner and one Surat Paswan who told him that his son has suffered injuries from the air gun firing and he will get well soon, but later on son of the informant died. The informant raised suspicion against this petitioner and the co-accused.

Learned counsel for the petitioner submits that nobody had seen the petitioner firing from air gun, there is no specific allegation and on the last occasion when the petitioner moved this court in Cr. Misc. No. 3843/2020, the learned predecessor Bench had, while rejecting the prayer for bail of the petitioner, observed that he may renew his prayer for bail after six months. It is submitted that in the meantime, the co-accused Surat Paswan, who is similarly situated, has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 8944/2021. As regards the criminal antecedent, learned counsel submits that the petitioner is on bail in all the three cases.

Mr. Ram Anurag Singh, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, but on finding that there is no eye witness to the alleged occurrence, petitioner is not specifically named and the co-accused Surat Paswan, whose name was also taken in same breath by the informant, has been granted bail by learned



coordinate Bench of this Court, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 1st, Nalanda (Biharsharif) in connection with Rahui P.S. Case No. 252 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

