

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32992 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- BAKHARI District- Begusarai

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ROHIT PASWAN SON OF RAM BAHADUR PASWAN @ RAY
BAHADUR PASWAN RESIDENT OF VILLAGE- KARAITAR, P.S.-
BAKHRI, DISTRICT- BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 33290 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- BAKHARI District- Begusarai

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AMARJEET PASWAN @ GULABIYA Son of Ghoghan Paswan Resident of
Village - Karaitar, Ward no.01, Shamsha, P.s.- Bakhri, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 32992 of 2022)

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

(In CRIMINAL MISCELLANEOUS No. 33290 of 2022)

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 28-09-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Both the petitions are heard together and are being

disposed of by this common order as they arise out of the same

police station case number.



Heard learned counsel for the petitioners and the State.

Petitioner seeks regular bail in Bakhri P.S Case No. 26 of 2021 registered for the offences punishable under Sections 307, 354, 504, 506 and other allied sections of the Indian Penal Code and 27 of the Arms Act.

As per allegation, petitioners and accused person tried to outrage modesty of the girls and when the informant intervened the petitioners entered into his institution and fired at him.

The main submissions advanced by learned counsel Shri Arjun Prasad appearing for the petitioner-Rohit Paswan are that this petitioner has been languishing in jail since 18.4.2022, alleged offences under Section 307 IPC and 27 of Arms act are not made out in this case as no one has sustained injury in the alleged occurrence, empty cartridge was also not recovered from the alleged place of occurrence and against him there is criminal antecedent of one case.

It is further submitted that petitioner-Amarjeet Paswan @ Gulabiya has been languishing in jail since 19.1.2022, against him, there is criminal antecedent of three cases in which in one case, he is on bail and he has been



acquitted in the other cases.

Sri Bal Mukund Prasad Sinha, learned APP appearing for the State has opposed the prayer for bail of both petitioners.

In view of above submissions, mainly taking into account that in the alleged firing no one sustained injury and the petitioners have taken the defence that at the alleged place of occurrence empty cartridge was not recovered and the said defence has not been refuted by learned APP, in the opinion of this court, a lenient approach can be taken in respect of the petitioners.

Let the petitioners 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 Addl. Chief Judicial Magistrate VI, Begusarai in Bakhri P.S Case No. 26 of 2021 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



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

(3) One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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