

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45878 of 2021

Arising Out of PS. Case No.-215 Year-2019 Thana- ARA NAGAR District- Bhojpur

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ASHISH PASWAN S/o- LATE PRADIP PASWAN Resident of Village-
Gausganj, P.S.- Ara Nagar, District- Bhojpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 31-03-2022 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Ara Town P.S. Case No. 215 of 2019 for the offence punishable
under Section 307/34 of the Indian Penal Code and Section 27
of the Arms Act.

The prosecution story, in brief, is that the F.I.R.
named accused Vikash Singh and Krishna Singh came running
holding pistol in their hand while the informant was sitting near
his house. In the meantime, two unknown persons assaulted the
informant by means of fire arm, due to which the informant



sustained injury. The doctor has opined the nature of injury as grievous which the informant sustained in his stomach.

Learned counsel appearing on behalf of the petitioner submits that the informant is not the eye witness of the occurrence and he has not named the petitioner nor any T.I.P. has been done till date. Merely on the basis of suspicion, petitioner has been made accused in the present case and the co-accused named in the F.I.R. namely Vikash Singh and Krishna Singh have not confessed that the present petitioner was one of the shooter. Petitioner is in custody since 07.10.2020. Hence he be released on bail

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, there is no eye witness of the occurrence, petitioner has been made accused merely on the basis of suspicion, he is in custody since 07.10.2020, there is no allegation of tampering with the evidence or influencing the witnesses and trial is not likely to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the



satisfaction of the learned CJM, Bhojpur at Ara in connection with Ara Town P.S. Case No. 215 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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