

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47420 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- KARAMCHAT District- Kaimur (Bhabua)

PARMANAND PASWAN S/o Shivadhar Paswan @ Shivadhar Ram R/o
Village- Basini, P.S.- Karamchat, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 28-04-2022 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 regular bail in connection with
Karamchat P.S. Case No. 21 of 2021 for the offence punishable
under Section 302/120B of the Indian Penal Code and Section
27 of the Arms Act.

The prosecution case, in brief, is that the informant
gave her fardbeyan before the police alleging therein that her
co-villager namely Deepak Paswan, son of Laxman Paswan was
killed by means of knife in her village 6 months ago and her
husband was made accused in that case. It is further alleged that
Laxman Paswan and his wife Indu Devi were pressurising the



police to arrest her husband. It is further alleged that on 06.04.2021 at about 06:35 PM in the evening, she had gone to market with her husband and while her husband was standing at a shop, Bharat Paswan, Om Prakash Paswan, Shyam Narayan Paswan, Indrajeet Paswan @ Puran Paswan and three unknown criminals resorted to fire on the husband of the informant due to which her husband fell down, thereafter all the accused persons fled away. One Shiv Pyare Dubey made alarm upon which the accused persons again opened fire as a result of which he also sustained fire arm injury. Both the injured were hospitalized and succumbed to injuries.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that petitioner is public servant and he has falsely been implicated in this case on the basis of CDR report relating to his phone in which one of the accused of the present case had made call on his phone. However, the said fact is falsified if paragraph No. 105 of the case diary is taken into consideration in which the investigating officer in course of investigation has recorded that the petitioner was present at the Police Station at the time of alleged incident, which has taken on 06.04.2021 at 6.35 P.M. in the



evening. He further submits that there is no allegation against the petitioner either of assaulting the deceased or threatening him on any point of time. There is no eye-witness of the occurrence and he is in custody since 10.04.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that C.D.R confirms that the petitioner was in contact with the accused persons at the time of occurrence.

Considering the aforementioned facts and circumstances of the case as well as the settled legal position, 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 Chief Judicial Magistrate, Kaimur at Bhabua in connection with Karamchat P.S. Case No. 21 of 2021, subject to the following conditions:-

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

(2) He shall make herself available for the purpose of trial before the trial Court on each and every date of hearing and if prevented by any reason to do so, seek exemption from



appearance by filing appropriate application;

(3) He shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;

(4) He shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or the Police Officer.

(Purnendu Singh, J)

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