

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48355 of 2021

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

LAXMAN PASWAN S/O MARAHI PASWAN R/o village- Sabar, P.S.-
Karamchat, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 01-08-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 302, 120(B) of the Indian
Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that
inadvertently at para 3 of the anticipatory bail application, it has been
stated that petitioner is a person with clean antecedent when
petitioner has antecedent of one case and the same was instituted by
Punam Devi who was working in the house of the present informant.

The informant alleges that son of the petitioner, namely,
Deepak Paswan was killed in which her husband was implicated as
an accused, further alleges that petitioner is in police service, thus,



was creating pressure for arrest of her husband and had even threatened him along with his wife, further alleges that on 06.04.2021 the informant along with her husband were standing near a betel shop when named accused persons along with three unknown accused came and fired at her husband indiscriminately and even fired at Shiv Pyare Dubey who raised Hulla, further both were declared dead by the Doctor on arrival at the hospital, thus, alleges that the petitioner in conspiracy got her husband killed.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that earlier also one case was instituted by Punam Devi who was working in the house of the present informant. It is next submitted that son of the petitioner was killed by the husband of the informant for which Karamchat P.S. Case No. 57 of 2020 was instituted by the petitioner. It is next submitted that when petitioner was already pursuing the case against the husband of the informant with regard to killing of his son where was the occasion for the petitioner to get the husband of the informant killed in conspiracy. It is next submitted that since petitioner is in police service, as such, the informant has falsely implicated the petitioner in the present case as her husband was an accused in Karamchat P.S. Case No. 57 of 2020. Learned counsel next submits that petitioner on the alleged date of occurrence was on duty as would be evident from Annexure-2 to the anticipatory bail application.



Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that during the course of investigation, it has come that the FIR named accused persons were identified by the informant, who had talked with the petitioner after the occurrence.

Learned counsel for the petitioner rebuts the submission of the learned A.P.P. and submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that criminal who had fired at her husband had their faces covered then how come the informant was able to identify them. It is next submitted that since Bharat Paswan is own brother of the petitioner who is alleged to have committed the occurrence along with two other named accused persons were known to the informant. It is further submitted that since Bharat Paswan was known to the informant why he would commit the occurrence in her presence and thus would have been identified easily creating evidence against himself. Learned counsel, thus, submits that the occurrence was committed in some other manner and the informant implicated the petitioner along with his family members. Learned counsel next submits that during the course of investigation, no material has been collected to connect the petitioner with the offence that he in conspiracy got the husband of the informant killed. It is further submitted that had the petitioner been involved in the occurrence then definitely being in police service would never have allowed the



accused to call him to create further evidence against him.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Karamchat P.S. Case No. 21 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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