

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39449 of 2022

Arising Out of PS. Case No.-89 Year-2021 Thana- DINARA District- Rohtas

Chhotan Paswan Son Of Fulan Paswan R/O Village- Katiyara, P.S.- Dinara,
District- Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-11-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Dinara
(Bhanas) P.S. Case No. 89 of 2021 registered for the offences
punishable under Sections 302, 307 and 34 of the Indian Penal
Code and Section 27 of the Arms Act.

As per the prosecution, the informant in his fardbeyan
has alleged that four named accused persons were making
celebratory gun firing and thereafter petitioner snatched a gun
and started firing in the air haphazardly and when the informant
tried to stop him then he fired at the informant's side which hit



the cousin brother of the informant at his head and thereafter he again fired which hit other person Bhim Paswan and during the course of treatment the informant's cousin brother succumbed to the fire-arm injury.

The main submissions advanced by the learned counsel Mr. Raghunandan Kumar Singh for the petitioner are that the petitioner has clean antecedent and has been languishing in jail since 26.05.2021 and he is facing trial. It is further submitted that in the trial of the petitioner's case two prosecution witnesses have been examined and both went hostile, in fact the alleged occurrence was result of harsh (celebratory) firing and at the beginning four persons were said to have opened fire-arms in the air on the occasion of *Tilak* ceremony and as per the allegation later on the petitioner started firing but the said allegation is completely unbelievable and false.

Learned APP Mr. Zainul Abedin appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. Though in the FIR any motive on the part of the petitioner to kill the cousin brother of the informant by causing fire-arm injury to him does not appear but as per the allegation the petitioner forcefully



snatched the gun from other person on the occasion of the *Tilak* ceremony and thereafter started firing indiscriminately which resulted in fire-arm injuries to two persons and consequently informant's cousin brother died during the course of medical treatment. The allegation appearing against the petitioner from the FIR seems to be serious in nature and in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial of this petitioner and take steps to conclude the same in the next one year. If the trial of the petitioner is not concluded within the said period then the petitioner may renew his bail prayer.

(Shailendra Singh, J.)

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