

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49919 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- AKHODHIGOLA District- Rohtas

=====

Basant Paswan @ Basant Ram son of Late Swaroop Paswan, Resident of
Village Mahuwari, P. S. Akadhigola, District- Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vikalp, Advocate.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 25-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Vikalp, learned counsel for the petitioner as

well as Mr. Ram Sumiran Rai, learned Additional Public

Prosecutor for the State through video conference.

The application for grant of bail to the petitioner,

above named, who has been made accused and put behind the

bar in connection with Akodhigola P. S. Case No. 43 of 2021

registered for the offences punishable under Sections 341, 323,

307, 120 (B) and 506 read with 34 of the Indian Penal Code and

Section 27 of the Arms Act.

As per the prosecution case, it is alleged that while

the informant along with his brother Anil Paswan was going to



the clinic for taking medicines, in the meantime, all the accused persons surrounded them and thereafter co-accused Sonu Paswan @ Surya Don fired upon the informant due to which he sustained firearm injury over his right shoulder. It is further alleged that Sonu Paswan @ Surya Don made another firing upon the brother of the informant.

Learned counsel appearing on behalf of the petitioner submitted that even as per the F.I.R., there is general and omnibus allegation against all the co-accused persons and so far the specific allegation of firing is concerned, it is attributed against co-accused Sonu Paswan @ Surya Don. It is next submitted that considering the general and omnibus nature of allegation one of the accused persons, namely, Harihar Paswan has been granted anticipatory bail by learned court below itself. It is next submitted that this petitioner is in custody since 12.06.2021 and moreover, the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that all the accused persons including this petitioner in furtherance of common intention surrounded the informant and his brother and fired upon them.



Having considered the submissions made on behalf of the parties and taking into account the nature of allegation as also the fact that one of the co-accused persons, has been granted anticipatory bail by the learned court below itself and this petitioner is in custody since 12.06.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class at Dehri-on-Sone, Sasaram in connection with Akodhigola P. S. Case No. 43 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

