

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53347 of 2021

Arising Out of PS. Case No.-39 Year-2019 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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Gariban Paswan Son Of Bisheshwar Chaudhary @ Visheshwar Paswan
Resident Of Village- Asadpur, P.S.- Garaul, Dist.- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-05-2022 Heard learned counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within a period of four weeks.

The petitioner is in custody in connection with Bela
P.S. Case No. 39 of 2019 lodged on 24.9.2019 registered under
Section 307 and 506/34 of the Indian Penal Code and Section 27
of the Arms Act.

As per the prosecution case, the informant on his
motorcycle was moving. Meanwhile three persons on another
motorcycle with their respective helmets called him from behind
and when he tried to look at them, they fired shot causing injury
on his back. As he raised alarm, they fled away. The two persons
were calling the third person as Vivek Chaudhary. It was in this



way that this First Information Report has been lodged. The name of the petitioner has come up in course of investigation.

Learned counsel for the petitioner submits that allegation has been levelled against Sushil Kumar that he opened fire injuring Bikram Kumar. He further submits that although in course of the investigation, it has been stated that he was sitting on the motorcycle, no role has been attributed to him. He lastly submits that the co-accused Sushil Kumar against whom allegation of firing has been levelled has since been released on bail by a coordinate bench of this Court vide Cr. Misc. No. 12765 of 2021 on 5.7.2021.

Considering the aforesaid facts that specific role has not been attributed to the petitioner, charge-sheet has been submitted, he is in jail since 27.3.2021 and the person, Sushil Kumar, against whom allegation of firing was levelled has since been released on bail; this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Muzaffarpur, in connection with Bela P.S. Case No. 39 of 2019 subject to the following conditions:-



(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(ii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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