

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56558 of 2021

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

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Arun Paswan, Son of Mithai Paswan, R/O Village- Katiyara, P.S.- Dinara
(BHANAS), Dist.- Rohtas, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Dineshwar Pandey, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-04-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Binod Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Dinara (Bhanas) P.S. Case No. 89 of 2021 registered for the offences punishable under Sections 302, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 26.05.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, during the Tilak ceremony (1) Chhotan Paswan, (2) Arun Paswan (3) Premchand Kumar and (4) Fulan Paswan came and started firing in the air, the persons present there started scrambling for the gun and in course of scrambling Chhotan Paswan snatched country made gun from the hand of Arun Paswan and



started firing and cartridge hit in the head of informants maternal uncle's son Anil Paswan who sustained injury and fell down. Thereafter firing made by Chhotan Paswan hit Bhim Pawan causing injury to him. Anil Paswan was brought to Primary Health Centre where he was declared dead and Bhim Paswan is under treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 26.05.2021.

Learned counsel submits that the co-accused Chhotan Paswan had snatched the gun from the hand of the petitioner and it was he who has indulged the *hars* firing and his firing has caused death of a member of the bride side.

Mr. Binod Kumar, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the co-accused Chhotan Paswan had snatched the gun from the hand of the petitioner and it was he who has indulged the *hars* firing and his firing has caused death of a member of the bride side, the petitioner has otherwise no criminal antecedent and has remained in custody since 26.05.2021, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Rohtas, Sasaram in



connection with Dinara (Bhanas) P.S. Case No. 89 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 steps for cancellation 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.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

