

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58756 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- ARWAL District- Jehanabad

Mithlesh Paswan Son of Suresh Paswan Resident of Village - Kuber Chak
Dhandiha, P.S. - Koilwar, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate.

For the Opposite Party/s : Mr.A.G., APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 26-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Arbind Kumar Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Arwal P. S. Case No. 82 of 2021 for the offences punishable under Sections 324, 326 and 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, It is alleged that on 28.02.2021 at about 01:30 pm, while the informant was working in his garage, in the meantime the petitioner, who is said to be lover of his sister Chandani, who used to live in Patna came there along with one another persons and fired upon him, due to



which the informant sustained injury on his leg. When one Ajit Kumar came to rescue him, he fired upon him also and fled away.

It is submitted by the learned counsel appearing on behalf of the petitioner that as a matter of fact, there are love affair between the sister of the informant, namely, Chandani and the petitioner, due to which the informant on account of annoyance filed the present case against the petitioner with ulterior motive. He further submitted that even as per the injury report, it appears that the alleged injury has been sustained on the non-vital part of the body and as such there was no intention of kill anybody and no case has been made out under Section 307 of the Indian Penal Code. He also submitted that though the petitioner is named in six other criminal case, besides the present but out of six in one case, he has been acquitted and with respect of five other cases, he is on bail. He last submitted that the petitioner is in custody since 28.02.2021, though the good sense has prevailed and the compromise petition has been filed on behalf of both the side.

On the other hand learned APP for the State vehemently opposed the bail application and submitted that specific allegation has been levelled against the petitioner, he



fired upon the informant and one Ajit Kumar due to which all of them sustained fired arm injury, apart from the petitioner having multiple antecedent.

Regard being had to the submissions made on behalf of the parties and taking into account the specific nature of accusation and the gravity of the offence, this court is not persuaded to enlarge the petitioner on bail for present. However, after examination of the informant, the petitioner would be at liberty to renew his prayer for bail before this court along with the present status.

Accordingly, the present application stands disposed of with the aforesaid liberty.

(Harish Kumar, J)

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