

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 62156 of 2021

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

1. Fulan Paswan, Son of Late Harkhu Paswan
2. Premchand Paswan @ Premchand Kumar, Son of Fulan Sah,
Both Resident of Village- Katiyara, P.S.- Dinara, District- Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

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

Heard learned counsel for the petitioners and Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Dinara (Bhanas O.P.) 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. They are in custody since 26.05.2021. The petitioners have no criminal antecedent as stated in paragraph '3' of the application.



As per the prosecution story, in a Tilak ceremony the four named accused persons had allegedly indulged in Harsh firing. It is alleged that in the midst of the said Harsh firing co-accused Chhotan Paswan snatched the country made gun from the hand of co-accused Arun Paswan and started firing in the air. It is further alleged that when the informant's side wanted to control and convince him, the said co-accused Chhotan Paswan fired in the direction of the informant's side which hit the cousin brother of the informant on the back side of his head as a result of which he fell down. Thereafter, the said Chhotan Paswan again fired which hit Bhim Paswan who also fell down. In course of treatment, the cousin brother namely, Anil Paswan died.

Learned counsel for the petitioners submits that in the entire prosecution story no overt act has been alleged against the petitioners. They have been falsely implicated in this case only because they happened to be kith and kin of the family of the bride-groom side. Learned counsel further submits that at this stage when the investigation is complete, the petitioners may be released on bail as the petitioners' presence may be secured in course of trial.



Mr. Akhileshwar Dayal, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioners stating that these petitioners are named accused in the F.I.R., this Court having noticed that there is specific allegation of commission of overt act against co-accused Chhotan Paswan who had snatched the arm from the co-accused Arun Paswan, so far as these petitioners are concerned, no allegation has been made of commission of any overt act, they have otherwise no criminal antecedent and their presence may be secured in course of trial, this Court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Bikramganj, Rohtas, in connection with Dinara (Bhanas O.P.) 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. 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.)

Rajeev/-

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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'.

