

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65658 of 2021

Arising Out of PS. Case No.-1 Year-2019 Thana- ARA MUFFSIL District- Bhojpur

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KUNDAN PASWAN S/o Bhanu Paswan R/o Village- Mukul Paswan @
Mukul Ram, R/o Village- Bel Dumara, P.S.- Arrah Muffasil, District- Bhojpur
at Arrah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Ara Muffasil P.S. Case No. 01 of 2019 registered for the alleged offences under Sections 307, 504, 34 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant alleged that two named co-accused persons along with one unknown, variously armed, came to his house and fired upon him causing



a number of injuries to him. The occurrence took place in the back ground of earlier scuffle and altercation with the named co-accused persons who threatened the informant with dire consequences. Later on, the informant succumbed to his injuries during treatment. The name of the petitioner transpired as an accused during investigation.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner was not named in the FIR and he was named in this case in further statement of the informant wherein he stated that his family members told him about the involvement of this petitioner. But his family members when examined during investigation, they did not name the petitioner. However, after the death of the informant, fardbeyan of his son was recorded and he also named this petitioner as one of the accused persons involved in the alleged occurrence. He further submits that there is no specific allegation against this petitioner and specific allegation is only against co-accused persons, Chandan Paswan and Mahavir Paswan. These co-accused persons have been earlier allowed bail by a Coordinate Bench vide order dated 19.02.2020 passed in Cr. Misc. No. 77933 of 2019. Thereafter, all the co-accused persons have been acquitted



after trial in Session Trial No. 271 of 2019 vide judgment dated 02.02.2021 passed by the learned Additional & Sessions Judge-XII, Ara, Bhojpur. The case of the petitioner stands on better footing than the co-accused persons who have been granted bail and later on acquitted. It is a case of no evidence against the petitioner. The petitioner is having clean antecedent. Charge sheet has been submitted in this case and the petitioner is in custody since 31.07.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the name of the petitioner came up during investigation and the deceased as well as his son both named this petitioner as one of the assailants.

Having regard to the facts and circumstances and considering the absence of any substantive material against this petitioner to connect him with the crime as alleged and acquittal of named co-accused persons against whom there were specific allegations and further considering his period of custody and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara Muffasil P.S. Case No. 01



of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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