

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54833 of 2022

Arising Out of PS. Case No.-44 Year-2020 Thana- MANPUR District- Nalanda

=====

INDAL PASWAN SON OF AJAY PASWAN @ VIJAY PASWAN Resident of
Village- Gongaripar, P.S.- Manpur, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Pramod Kumar Sinha, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State through video conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Manpur P. S. Case No. 44 of 2020
registered for the offences punishable under Sections 341, 323,
307, 504, 506/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecutions case is based on a *fardbayan* of
the informant alleging therein that on 04.05.2020 at about 06:00



P.M. while the informant was returning after completing his daily work, in the meantime, all the accused persons including the petitioner, who were sitting in front of his house surrounded him and started abusing and when it was protested, co-accused Manoj Paswan fired upon him due to which he sustained fire-arm injury in his stomach. It is also alleged that this petitioner also fired upon the informant due to which he sustained injury over his thigh.

Learned counsel appearing on behalf of the petitioner submitted that admittedly the occurrence has taken place on 04.05.2020, however, the fardbayan of the informant was recorded on 07.05.2020 and this F.I.R. has been instituted on 08.05.2020. There is inordinate delay in lodging of the F.I.R. and as such, the false implication of the petitioner cannot be ruled out because of the reason that earlier also the brother of the informant had lodged a criminal case against the petitioner on which the petitioner is already on bail. It is further submitted that from the allegation made in the F.I.R., it is evident that no serious injuries have been caused on the thigh of the injured. It is next submitted that the petitioner is a labourer and save and except one case, which has been instituted by the brother of the informant, there is no other criminal case pending against the



petitioner. It is last submitted that the investigation of the crime is already complete and the charge sheet has been submitted, though the petitioner is in custody since 24.05.2022.

On the other hand, learned APP for the State opposes the bail application and submits that there is specific allegation against the petitioner that he fired upon him causing fire-arm injury.

Regard being had to the submissions made on behalf of the parties and taking into account the delay in lodging of the F.I.R. and the previous animosity, apart from the period of custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Manpur P. S. Case No. 44 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 step for cancelling 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.

(Harish Kumar, J)

shakir/-

U			
---	--	--	--

