

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66357 of 2021

Arising Out of PS. Case No.-176 Year-2020 Thana- KARAKAT District- Rohtas

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SATYENDRA PASWAN SON OF JAG NARAYAN PASWAN RESIDENT
OF VILLAGE- CHANDI, P.S- KARAKAT, DIST- ROHTAS, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Satyendra Rai, Advocate
For the Opposite Party/s	:	Mr.Prem Kumar Jha, APP
For the Informant	:	Mr.Arun Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 34 of the Indian
Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 20.01.2021, charge-sheet has been
submitted in the case and though the petitioner is a person with
clean antecedent but for this occurrence, another F.I.R. on the
same date under the Arms Act was also instituted.

The informant alleges that the accused persons started
abusing his father who was returning after attending call of
nature, further on protest by his father, accused Jagnarayan and



Ajit went to their house and came with arms, further Jagnarayan gave his arms to the petitioner and instigated him to open fire on which petitioner fired causing injury to the deceased near his ear on account of which he died. It is further alleged that on hearing the sound of firing, the informant also came at the place of occurrence and the accused persons fired at him also but somehow he managed to save himself and the reason for the occurrence is previous difference.

Learned counsel for the petitioner submits that from perusal of the F.I.R. itself it appears that an improbable story has been created in order to falsely implicate the accused persons, it is submitted that it absolutely does not stand to reason that had the informant been an eyewitness to the occurrence then definitely he would have made efforts to save his father but from perusal of the allegation as alleged in the F.I.R. it would manifest that though the informant claims to be an eyewitness to the occurrence but he himself alleges that on hearing the sound of firing he reached the place of occurrence, that in itself demonstrates that the informant is not an eyewitness to the occurrence. It is further submitted that for committing such a heinous act there has to be a motive but the F.I.R. is completely silent with regard to the same rather a general an omnibus kind



of allegation is alleged that the occurrence was committed on the ground of difference but what differences were there between the family of the informant and accused persons is missing. Learned counsel further submits that it absolutely does not stand to reason that Jagnarayan would have brought the weapon from his house and would have handed over to the petitioner and asked him to kill based on which the petitioner would have fired. Lastly, at the cost of repetition it is submitted that the informant, based on the allegations as alleged in the F.I.R. is not an eyewitness to the occurrence.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for bail of the petitioner and submits that there is a direct allegation against the petitioner of firing causing death of the father of the informant but are not able to meet the submission of the learned counsel for the petitioner that the informant himself in the F.I.R has alleged that he reached the place of occurrence on hearing the sound of firing.

At this stage the learned counsel for the petitioner submits that the trial has commenced and out of seven witnesses one witness has been examined.

Considering the fact that the petitioner is in custody



since 20.01.2021, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Karakat P.S. Case No. 176 of 2020.

Further, if the learned court below comes to a conclusion that the petitioner after release is trying to delay the trial in any manner, the court below shall forthwith cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

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