

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70850 of 2021

Arising Out of PS. Case No.-240 Year-2015 Thana- CHARPOKHARI District- Bhojpur

Dashrath Paswan, Son of Late Sheo Bachan Ram, Resident of Village-
Bardiha, P.S.- Charpokhari, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the State	:	Mr.Upendra Kumar, APP
For the Informant	:	Mr. Manish Kumar No.2, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Sessions Trial No. 194 of 2021 arising out of
Charpokhari P.S. Case No. 240 of 2015 registered for the
alleged offences under Sections 147, 148, 149, 341, 323, 302,
504 and 506 of the Indian Penal Code and Section 27 of the
Arms Act.

As per prosecution case, the petitioner and co-
accused persons, variously armed with lethal weapons, assaulted
the son of the informant and tried to forcibly took him away



with them. The co-accused Munna Paswan shot at below the chest of the son of the informant with his country made '*katta*'. During treatment the son of the informant died. The occurrence took place in the background of some earlier dispute.

The learned counsel for the petitioner submits that there is no specific allegation against this petitioner and the allegations are mostly general and omnibus against the petitioner and other co-accused. The allegation of firing is against co-accused Munna Paswan. Similarly placed co-accused persons, namely, Raj Kumar Ram and Sunil Paswan have been granted bail by different Co-ordinate Benches of this Court vide order dated 15.01.2018 passed in Cr. Misc. No. 2518 of 2018 and order dated 16.04.2019 passed in Cr. Misc. No. 24490 of 2019, respectively. Another co-accused Bhuteli Ram has also been granted bail vide order dated 06.07.2022 passed in Cr. Misc. No. 8049 of 2022. The case of the petitioner is similarly placed. Petitioner is in custody since 09.07.2021.

Learned APP as well as learned counsel for the informant oppose the prayer for bail. Learned counsel for the informant submits that the petitioner has been absconding in this case for quite long and is accused in two other cases of similar nature.



Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the allegation of firing is against co-accused Munna Paswan and there is no specific allegation against this petitioner for any overt act along with his period of custody and further considering grant of bail to similarly placed co-accused persons, 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 I/C Additional District Judge-XVI, Bhojpur at Ara in connection with Sessions Trial No. 194 of 2021 arising out of Charpokhari P.S. Case No. 240 of 2015, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.



(iv) 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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