

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71093 of 2021

Arising Out of PS. Case No.-69 Year-2017 Thana- DHANGAI District- Bhojpur

1. Raj Nath Paswan @ Arun Kumar Son of Rajendra Paswan Resident of Village- Yogibir, P.S.- Tiyar, District- Bhojpur
2. Jay Nath Paswan Son of Late Prayag Paswan Resident of Village- Yogibir, P.S.- Tiyar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-07-2022 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in Dhangai P.S. Case No. 69 of 2017, registered for the offences punishable under Section 302/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the FIR, on the alleged date and time of occurrence while the informant and his son were going to Jagdishpur on motorcycle, on the way, all the accused persons forcibly stopped the motorcycle of informant and Raj Nath Paswan (petitioner no. 1) shot at the temple of informant's son and other accused persons are alleged to have facilitated the



occurrence and thereafter, accused persons fled away.

It is submitted that after investigation the police submitted charge-sheet against other accused persons and petitioner was not sent up for trial. However, during trial learned Additional District & Sessions Judge III, Bhojpur at Ara in Sessions Trial No. 60 of 2018 was pleased to summon against petitioners under Section 319 of Cr.P.C to face trial and vide order dated 24.06.2021 ordered to appear in this case.

Counsel for State opposed the prayer for bail and submitted that in view of deposition of six witnesses petitioners have been summoned under Section 319 of Cr.P.C and there is specific allegation against petitioner no. 1 of firing upon the deceased.

Considering the facts aforesaid and gravity of offence, I am not inclined to enlarge the Raj Nath Paswan @ Arun Kumar petitioner no.1 on anticipatory bail. Accordingly, the same is rejected.

So far as petitioner no. 2 is concerned, he is only alleged to have caught hold of the deceased, Jay Nath Paswan petitioner no.2, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be



enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District & Sessions Judge, Bhojpur at Ara in connection with Dhangai P.S. Case No. 69 of 2017 corresponding to Sessions Trial No. 60 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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