

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9310 of 2023

Arising Out of PS. Case No.-253 Year-2022 Thana- TEGHRHA District- Begusarai

Ram Paswan @ Ramanand Paswan S/O Bhaglu Paswan R/v- Banhara, P.S.-
Teghra, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Section 396 of the Indian Penal Code and Section 27 of Arms Act. Later on, the charge sheet has been submitted under Sections 302, 120(B)/34 of the Indian Penal Code and 27 of Arms Act.

The prosecution case, in brief, is that while the informant was going to sleep, the petitioner along with 3-4 unknown miscreants entered into his house, started looting and tried to flee away. During this incident, co-accused Sushil Rai and Shiv Lochan Rai fired upon the son of informant, namely, Avinash Kumar due to which his son fell



down on the ground and died. The petitioner fired on abdomen of his second son due to which he sustained gun shot injury.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. From perusal of para-145 Case diary, injured Rajnish Kumar stated that co-accused Shivlochan Ram fired upon him whereas, the informant alleged in the FIR, is that this petitioner fired upon the injured Rajnish Kumar which shows contradiction between the prosecution and the statement of injured. It is further submitted that the specific allegation of shot fire upon the deceased Awanish Kumar is against other co-accused Shiv Lochan Rai and Sushil Rai. The petitioner has got no criminal antecedents and languishing in judicial custody since 06.09.2022.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well



as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Teghra P.S. Case No. 253 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai.

(Sunil Kumar Panwar, J)

Niraj/Lata

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