

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17902 of 2023

Arising Out of PS. Case No.-394 Year-2020 Thana- TEKARI District- Gaya

UPENDRA PASWAN Son of Vinod Paswan R/o Village - Malsari, P.S.-
Tekari, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Mohan Das, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Tekari P.S.
Case No. 394 of 2020 registered for the offence under Sections
341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioner is alleged to have fired upon the
informant which hit him on his ear causing him injury.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the allegation, as alleged in the
F.I.R., is false and fabricated and the petitioner has not committed
any offence. He further submits that the present case is a counter
blast of Tekari P.S. Case No. 393 of 2020 filed by the wife of the



petitioner against the informant and his family members. He further submits that though there is allegation of firing against the petitioner but there is no injury on record to show the genuineness of the prosecution version. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 24.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one. He further submits that it has been recorded in paragraph 110 of the case diary that no injury report is available even the informant has not produced any injury to the investigation officer.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya in connection with Tekari P.S. Case No. 394 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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