

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23305 of 2023

Arising Out of PS. Case No.-143 Year-2017 Thana- DAWATH District- Rohtas

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1. SHASHI KUMAR PASI Son of Suresh Pasi Resident of village-Ushari Tola, P.S.-Dawath, District-Rohtas
 2. RAJESH PASI Son of Suresh Pasi Resident of village-Ushari Tola, P.S.-Dawath, District-Rohtas,
 3. AMIT KUMAR @ AMIT PASI Son of Suresh Pasi Resident of village-Ushari Tola, P.S.-Dawath, District-Rohtas

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RAMESH PASI Son of Gulab Pasi Resident of village-Ushari Tola, P.S.-Dawath, District-Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 Heard the learned counsel for the
petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Dawath P.S. Case No.143 of 2017, registered for offences under Sections 341, 323, 307 and 34 of the IPC.

The accusation is that the informant got information on 11.12.2017, that his mother has been shot and has sustained fire arm injuries, whereafter, he had reached at the alleged place of



occurrence and had taken his mother to Karuna Hospital for treatment. It is also alleged that the son of the co-accused person, namely, Harender Pasi had died few days back and according to him the death of his son was caused by the mother of the informant, hence he had shot at the mother of the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that while the petitioners no.2 and 3 are not named in the FIR, the petitioner no.1 is stated to be standing at the place where the mother of the informant was shot at, hence the petitioners are not having any complicity in the matter. It is also submitted that the police had filed a final report, wherein the case was not found true as against the petitioners herein and they were not set up for trial, nonetheless, upon the trial Court having considered the evidence adduced by PW1,



PW3 and PW4, during the course of trial, it has summoned the petitioner under Section 319 Cr.P.C. Thus, it is submitted that the petitioner be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the main allegation is upon the co-accused person, namely, Harender Pasi, apart from the fact that the incident in question qua the petitioners herein have been found to be untrue by the police upon investigation, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or



surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Sasaram, Rohtas, in connection with Dawath P.S. Case No.143 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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