

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29723 of 2023

Arising Out of PS. Case No.-169 Year-2022 Thana- TEKARI District- Gaya

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NAGENDRA PASWAN S/O RAMASHISH PASWAN Resident of Village-
Malsari, P.S.- Tekari (Panchanpur), District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi

For the Opposite Party/s : Mr.Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-06-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Tekari
(Panchanpur O.P.) P.S. Case No. 169 of 2022 registered for the
offences punishable under Sections 147/ 148/ 149/ 341/ 323/
307 of the Indian Penal Code and under Section 27 of the Arms
Act.

As per prosecution case, when the informant
reached near Dighaura Surya Mandir all of a sudden petitioner
and others surrounded him and ordered to beat him and
thereafter, co-accused Birendra Yadav fired upon the informant
as a result of which the informant sustained injury on the left
shoulder. It is further alleged that petitioner and others opened
fire in the air and fled away.



Learned counsel for the petitioner submits that the specific allegation of firing upon the informant is against co-accused Birendra Yadav. He further submits that so far as petitioner is concerned, petitioner opened fire in air and except this there is no specific allegation against the petitioner. He further submits that petitioner is in custody since 12.12.2022 and bears criminal antecedent of three cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is innocent and has falsely been implicated in the present case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gaya in



connection with Tekari (Panchanpur O.P.) P.S. Case No. 169 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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