

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28931 of 2023

Arising Out of PS. Case No.-113 Year-2019 Thana- RUPAULI District- Purnia

Ruplal Paswan Son Of Vishal Paswan Resident Of Village- Ekchari,
Kahalgaon ,PS- Kahalgaon, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 31.12.2022 in connection with Rupauli P.S. Case No. 113 of 2019, F.I.R. dated 31.08.2019 for the offences punishable under Sections 147, 148, 149, 341, 307, 302, 452, 504, 506 and 114 of the Indian Penal Code.

3. According to prosecution case, due to land dispute between the parties, the petitioner is alleged to have threatened and fired gun shots upon the family members of the informant, that caused the son of the informant, done to death.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that due to



admitted land dispute the present occurrence has taken place. He further submits that as per allegation as alleged in the F.I.R., the petitioner and co-accused persons have fired upon the son and husband of the informant and due to present occurrence, the son of the informant has died. He further submits that there is specific allegation against the petitioner that he has fired upon the husband of the informant, due to which, he has sustained injury and there is case and counter case between the parties. The petitioner is in custody since 31.12.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner and injury report suggest that he has received the injury in his leg. Learned counsel for the petitioner referring to the injury report stated that injury is not stated as fatal part of the body.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Purnia, in connection with Rupauli P.S. Case No. 113 of 2019, subject to the following conditions:-

i. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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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