

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29348 of 2023**

Arising Out of PS. Case No.-53 Year-2021 Thana- RUDRAPUR District- Madhubani

SHASHI PASWAN Son of Sri Hira Paswan Resident of village-Belmohan,
P.S.-Phulparas, District-Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 24-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 22.07.2022 in connection with Rudrapur P.S. Case No. 53 of 2021, F.I.R. dated 16.05.2021 for the offences punishable under Sections 324, 307, 458, 382, 511/34 of the Indian Penal Code and Section 25(1-b)a, 26, 27 of the Arms Act.

3. According to prosecution case, the allegation in the F.I.R. is that in the night of 15.05.2021, as there was shout of presence of thief in the village, the informant along with other villagers also tried to chase the accused who however, opened fire hitting in his stomach and leg, as a result whereof he was injured. Meanwhile, the other villagers were able to caught hold of the accused person who happened to be the petitioner therein.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Amrendra Paswan. He further submits that nothing has been recovered from the conscious possession of the petitioner so no case is made out under the Arms Act. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly, situated co-accused namely, Amrendra Paswan has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 22.03.2023 passed in Cr. Misc. No. 12338 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 22.07.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries seven criminal antecedent other than the present one, in which petitioner is on



bail in all the cases.

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 Smt. Ruby Kumari, Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani in connection with Rudrapur P.S. Case No. 53 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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