

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30057 of 2023

Arising Out of PS. Case No.-83 Year-2019 Thana- IMADPUR District- Bhojpur

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PATHAK PASWAN, Son of Jai Kishun Paswan Resident of Village - Rajpur,
Post Office - Bihita, P.S.- Imadpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Imadpur P.S. Case No. 83 of 2019 registered
for the offence punishable under Sections 147, 148, 149, 341,
323, 302, 120B, 504, 506 of the Indian Penal Code and Section
27 of the Arms Act.

3. While the informant was returning from her field
along with her son, it is alleged that 13 named accused and 5-6
unnamed accused have accosted them. It is alleged that one
accused, Pachan Paswan, has fired upon her son.

4. Learned counsel for the petitioner submits that
large number of persons have been named accused on
extraneous considerations. The allegation of causing the fatal



firearm injury is specifically against Pachan Paswan. Having similar allegations, three co-accused, namely, Dhanu Paswan, Jairam Paswan and Radha Mohan Paswan have been allowed anticipatory bail in Cr. Misc. Nos. 27231 of 2020, 10483 of 2021 and 20668 of 2021 respectively. Though petitioner has one antecedent, but in that case he is on bail.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the nature of allegations and claim based on parity, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 Judicial Magistrate, Bhojpur at Ara in connection with Imadpur P.S. Case No. 83 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors
will be a close relative of the petitioner
who will give an affidavit giving



genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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