

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33252 of 2022

Arising Out of PS. Case No.-21 Year-2021 Thana- KARAMCHAT District- Kaimur (Bhabua)

1. Shyam Narayan Paswan Son Of Bishun Paswan Resident Of Village- Sabar , P.S- Karamchat , Dist- Kaimur (Bhabhua)
2. Indrajeet Paswan @ Butan Paswan Son Of Shyam Narayan Paswan Resident Of Village- Sabar , P.S- Karamchat , Dist- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar

For the Opposite Party/s : Mr.Kanhaiya Kishore(App 100)

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 14-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek regular bail in connection with Karamchat P.S. Case No. 21 of 2021 registered for the offence under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, while the informant was going along with her husband on a motorcycle and her husband stopped at a Pan shop, in the meantime, the petitioners along with other co-accused came there and fired upon her husband. As a result of which, her husband sustained injury thereafter he was taken to hospital where doctor declared him as died. This



crime is alleged to have been committed in pursuance to a criminal conspiracy.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this present case due to previous enmity between the parties. Both the petitioners have got no criminal antecedent. They were not arrested on spot nor any incriminating article has been recovered from their conscious possession rather their name came into light during course of the investigation. In respect of petitioner no.2 namely Indrajeet Paswan, there is general and omnibus allegation leveled against him. It is further submitted that the petitioners are languishing in judicial custody since 7.3.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that during investigation, witnesses Bambhola Singh and Sanjay Singh supports the prosecution case and asserted that the petitioner no.1 Shyam Narayan Paswan opened fire upon the deceased namely, Rakesh Singh @Tirpan due to which he shot dead. From perusal of the Postmortem report, cause of death is opined as firearm injury which also corroborates the prosecution version.

Having heard learned counsel for the parties and



considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner no.2 Indrajeet Paswan on bail. The above named petitioner is directed to be released on bail in connection with Karmchat P.S. Case No. 21 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Kaimur at Bhabhua.

So far as petitioner no.1 namely, Shyam Narayan Paswan is concerned, there is specific overt-act of firing upon the deceased is against this petitioner, this Court is not inclined to enlarge this petitioner on bail, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as early as possible.

(Sunil Kumar Panwar, J)

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