

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29879 of 2022

Arising Out of PS. Case No.-228 Year-2021 Thana- PIPRAHI District- Sheohar

BHAGIRATH PASWAN Son of Late Bhukhlu Paswan @ Bhaglu Paswan
Resident of Village - Rejma, P.S.- and Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Piprahi PS case no. 228 of 2021 instituted for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of Arms Act.

The case of the prosecution in brief, according to the informant, is that on 11.11.2021 at about 7.10 pm, when the elder brother of the informant was sitting at the door of his house and watching his mobile phone, three unknown miscreants had arrived there and fired three rounds on the chest and stomach of the elder brother of the informant, resulting in his death.



The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 06.03.2022. The learned counsel for the petitioner has further submitted that there is no eye-witness to the alleged occurrence and moreover, no test identification parade has been held, till date so as to connect the petitioner with the alleged crime. It is also submitted that no weapon, used in the alleged occurrence, has been recovered from the possession of the petitioner, thus, it is submitted that the petitioner is not having any complicity in the matter. Lastly, it is submitted that co-accused persons have already been granted bail by co-ordinate Benches of this Court vide orders dated 26.08.2022 and 16.09.2022, passed in Cr. Misc. no. 25024 of 2022 and Cr. Misc. no. 36800 of 2022, respectively.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that neither



any test identification parade has been held, so as to connect the petitioner with the alleged crime nor any weapon, used in the alleged killing of the deceased, has been recovered from the petitioner, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Sheohar in connection with Piprahi PS case no. 228 of 2021.

(Mohit Kumar Shah, J)

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