

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30390 of 2022

Arising Out of PS. Case No.-204 Year-2021 Thana- ITARHI District- Buxar

NEERAJ PASWAN Son of Sidhnath Paswan Resident of village - Fatehpur,
P.S. - Itarhi, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parijat Saurav

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with S. Trial
No. 137 of 2022 arising out of Itarhi P.S. Case No. 204 of
2021, registered for the offences punishable under Sections
147, 148, 149, 323, 504, 506, 307 and 435 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case as emerging from the FIR is
that on 01.07.2021, the petitioner and his associates armed
with country made pistol and iron rod assaulted the
informant's son and other members. Later on, one of the
accused fired upon the left eye of the informant's son due to



which he fell down.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is case and counter case. He also submits that other co-accused person, namely, Arvind Paswan has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 23.05.2022 passed in Cr. Misc. No. 3904 of 2022. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 18.01.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for anticipatory bail vide Cr. Misc. No. 66803 of 2021.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, particularly seeing the case and counter case and period of custody, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional District and Sessions Judge XI, Buxar / Successor Court in connection with S. Trial No. 137 of 2022 arising out of Itarhi P.S. Case No. 204 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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