

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45148 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- PATNA CITY CHOWK District- Patna

RAJ KUMAR PASWAN Son of Late Devendra Paswan Resident of Mohalla -
Humad Gali, P.S.- Chowk, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N. A. Shamsi,Adv.

For the State : Ms.Sangeeta Sharma,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State, Ms.
Sangeeta Sharma.

The petitioner seeks regular bail in connection with Chowk P.S. Case No. 123 of 2022, registered for the offences punishable under Sections 302/ 201/ 34/ 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The allegation levelled by the informant is that sometimes prior to the occurrence in question, the petitioner and two other persons had threatened him to stop the construction work. Shortly thereafter, the informant was informed



that his father was killed while he had gone to the market with his cart.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 02.05.2022. The learned counsel for the petitioner has submitted that there is no eye witness to the alleged occurrence and under similar circumstances co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 16.12.2022, passed in Criminal Miscellaneous No. 55682 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail. It is further submitted by the learned APP of the State by referring to the case diary that though evidence of an eye witness has been recorded in paragraph no.53 of the case diary, but he has merely stated that one person had fired gunshot on the father of the informant,



however, he is not in a position to identify the assailant. It is also submitted that one Vikas Kumar has confessed that he was given the responsibility of eliminating the father of the informant, whereafter he had fired gunshot on the father of the informant resulting in his death.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the materials available in the case diary, apart from considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail as also taking into account the fact that there is no eye witness to the alleged occurrence and there is minuscule evidence on record to suggest the complicity of the petitioner in the alleged occurrence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner



is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. (Fourth), Patna City in connection with Chowk P.S. Case No. 123 of 2022.

(Mohit Kumar Shah, J)

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