

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45653 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- SAUR BAZAR District- Saharsa

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DINESH PASWAN S/O BIDYANAND PASWAN @ VIDYANAND
PASWAN Resident of village- Paharpur Ward No- 15, P.S.- Saur Bazar,
District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Premchandra Yadav
For the State	:	Mr.Jitendra Kumar Singh
For the Informant	:	Mr. Amarnath Jha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Saur Bazar (Patarghat) P.S. Case No. 80 of 2022, registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, according to the informant, namely, Kavita Devi, is that on the alleged date and time of occurrence, her husband had gone out of the house for relieving himself



and after sometime, she heard sound of gunshot firing, whereafter, she had gone outside and found her husband, namely, Chhotu Yadav lying in the field in an injured condition and upon enquiry, the said Chhotu Yadav, told her that when he had gone to relieve himself in the field, he saw that the co-accused persons, namely, Nigam Kumari, Ajeet Kumar and Dinesh Paswan i.e. the petitioner herein were lying there in a compromising position and upon seeing the husband of the informant, they had fired gunshots on the husband of the informant, leading to his subsequent death.

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 20.4.2022. The learned counsel for the petitioner has submitted, by referring to the postmortem report that there is only one entry and exit wound of bullet, hence, the husband of the informant has been hit only once



by the gunshot fired on him and the same is attributable to the co-accused person, namely, Ajeet Kumar, inasmuch as firstly, the materials on record would show that there was illicit affair in between the said Ajeet Kumar and Nigam Kumari, however, as far as the petitioner is concerned, there was never any whisper about him having had an affair with the said Nigam Kumari, apart from the fact that all the three accused persons have been stated to have fired on the husband of the informant, but he had received only one gunshot injury, thus, it is apparent that if at all, anybody is having complicity in the matter, it is the said co-accused person, namely, Ajeet Kumar and not the petitioner herein.

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 petitioner and taking into account the materials



available on record as also considering materials available in the case diary, this Court finds that as far as the petitioner is concerned, no motive has been attributed to him for committing the alleged occurrence, however, as far as the other two co-accused persons are concerned, they were having illicit affair and were found in compromising position, which was discovered by the husband of the informant, leading to them having fired gunshots on the husband of the informant, resulting in his death. It is apparent from the case diary that the said two co-accused persons, namely, Ajeet Kumar and Nigam Kumari, were having illicit affair since a long time. Under the aforesaid circumstance, I deem it fit and proper to admit the petitioner to the privilege of 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 In charge Chief Judicial



Magistrate, Saharsa, in connection with Saurbazar
(Patarghat) P.S. Case No. 80 of 2022.

(Mohit Kumar Shah, J)

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