

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51129 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- CHAUTHAM District- Khagaria

Sanjeev Paswan Son Of Sri Upendra Paswan Resident Of Village- Kharaita,
P.S. Chouthan, District Khagaria Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP
For the Informant : Mr. Ajit Kumar Singh, Advocate
Mr. Avinash, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-09-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.05.2023 in connection with Chautham P.S. Case No. 143 of
2023, F.I.R. dated 13.05.2023 for the offences punishable under
Sections 448, 323, 307, 504 and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. According to prosecution case, on the order of
Upendra Paswan, this petitioner fired a shot at the husband of
the informant and in order to protect her husband, she came in
front and the bullet hit her pelvis and injured her and she fell on
the floor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that as per the F.I.R the



petitioner has fired upon the victim which inflicts his right side of the Belly. Although, the injury report suggests that the injury is grievous in nature caused by firearm. He further submits that there is no intention to kill the victim/informant and due to previous land dispute, the present occurrence has taken place. He further submits that there is case and counter case between the parties and the police after investigation submitted the charge sheet on 30.07.2023 against the petitioner. The petitioner is in custody since 15.05.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has fired upon the victim/informant and the injury report also support the allegation as alleged in the F.I.R and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the said case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Khagaria in connection with Chautham P.S. Case No. 143 of 2023, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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