

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53887 of 2023

Arising Out of PS. Case No.-194 Year-2023 Thana- FATUA District- Patna

-
1. BHUSHAN PASWAN Son of Anuj Paswan @ Arjun Paswan Resident of village - Niyazipur, P.S. - Fatuha, Distt. - Patna
 2. MURARI PASWAN Son of Late Chhedi Paswan Resident of village - Niyazipur, P.S. - Fatuha, Distt. - Patna
 3. MUNNA KUMAR @ MANNA KUMAR Son of Sriman Paswan Resident of village - Niyazipur, P.S. - Fatuha, Distt. - Patna
 4. SIDHYARTH PASWAN @ SIDHNATH PASWAN @ SIDHNATH KUMAR Son of Sri Bhushan Paswan Resident of village - Niyazipur, P.S. - Fatuha, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanishk Kaustubh
For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-08-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Fatuhan P.S. Case No. 194 of 2023 registered for the offence punishable under Sections 323, 341, 307, 504, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution in brief, according to the informant is that on 7.3.2023 at about 10:00 pm., the accused persons were abusing each other and were fighting with each other, whereupon they started firing from their pistol, however,



the brother of the informant, who was passing by, got shot and thereafter, he was taken to the hospital.

4. The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the accused persons and as far as the petitioners are concerned, they have not been alleged to have engaged in any sort of specific overt act. It is also submitted that there is no injury report on record so as to suggest that any grievous injury has been sustained by the brother of the informant, hence, the petitioners be granted benefit of doubt for the purposes of grant of the privilege of anticipatory bail.

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

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against all the accused persons and the petitioners have not specifically been alleged to have



engaged in any specific overt act, apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City, in connection with Fatuhan P.S.Case No. 194 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

