

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57583 of 2023

Arising Out of PS. Case No.-517 Year-2022 Thana- DHANARUA District- Patna

SHAILESH PASWAN SON OF LATE MAHENDRA PASWAN R/O
VILLAGE- ZIYAUDDINCHAK, PO- BIR, PS- DHANARUA, DIST-
PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajiv Ranjan Kr. Pandey, Adv. Mr. Krityanand Jha, Adv. Mr. Mukesh Kumar, Adv.
For the State	:	Mr.Kumar Ranjit Ranjan, APP
For the Informant		Mr. Jagjit Roshan, Adv. Mr. Apul, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 01-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Dhanarua P.S. Case No. 517 of 2022 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per prosecution case, co-accused Sushil Yadav
fired which hit upon the chest of informant's father due to which
he fell down on the ground. It is further alleged that petitioner
and others accompanied the assailant Sushil Yadav. It is further
alleged that informant's father was taken to hospital but he was
declared dead by the doctor.



4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in the present case. Petitioner is in custody since 02.03.2023. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that at para 3 of the bail petition, he has declared only four criminal antecedent and through supplementary affidavit one more criminal antecedent of petitioner has been brought on record. In this way, petitioner bears criminal antecedent of five cases. He further submits that there is no specific overt-act of firing against the petitioner upon the informant's father. The allegation of firing is against co-accused Sushil Yadav and petitioner alongwith other accompanied the assailant Sushil Yadav. He further submits that on similar and identical allegation co-accused Raju Paswan @ Raju Kumar has already been granted bail by a co-ordinate Bench of this court vide Cr. Misc. No. 55740 of 2023 and on the principle of parity, the petitioner also deserves bail.

5. Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submitted that petitioner carries series of



criminal antecedent and hence, he does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused has already been granted bail by a co-ordinate Bench of this court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Dhanarua P.S. Case No. 517 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) The trial court 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 trial court shall take step for cancellation of bail bond of the petitioner.

(Alok Kumar Pandey, J)

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