

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56519 of 2023

Arising Out of PS. Case No.-289 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Rajesh Paswan Son of Bhajan Paswan @ Ram Bhajan Paswan Resident of
Village Lagunia Suryakanth Ps Samastipur Muffasil District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh
For the Opposite Party/s : Mr. Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-08-2023 Heard Ld. counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Samastipur Muffasil P.S. Case No. 289 of
2023, registered for the offences punishable under Sections 341,
323, 353, 307, 34 of the Indian Penal Code and Section 25(9)
and 27 of the Arms Act.

3. The prosecution case as emerges from the FIR is
that on 03.06.2023 the Petitioner alongwith his 2-3 associates
made firing in the marriage ceremony of the daughter of one
Raj Kumar Paswan. It is also alleged that the informant was
assaulted by the accused persons due to which he sustained
injury.

4. Ld. counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that the informant is a Chokidar and he is uncle and he has family dispute with the sole accused who is the Petitioner herein. He further submits that there is no injury caused in the case and there is only false claim regarding the injury. He also submits that there is no illegal arms in the possession of the Petitioner. He further submits that the informant, who is a Chokidar has misused his power and lodged false case against the Petitioner.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the present case.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M.-II, Samastipur, in connection with Samastipur Muffasil P.S. Case No. 289 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

9. Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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