

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 60351 of 2023

Arising Out of PS. Case No.-120 Year-2023 Thana- ASHTHAWAN District- Nalanda

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HULAS PASWAN S/O- LATE LACHHU PASWAN R/O- VILLAGE-
CHULIHARI, P.S.- ASTHAWAN, DIST.- NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shyamal Prakash, Advocate
For the State	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Satya Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Asthawan P.S. Case No. 120 of 2023 for the offence under sections 341, 323, 307, 504, 34 of the Indian Penal Code and section 27 of Arms Act lodged on 11.05.2023 by the informant, Birbal Paswan.

3. As per the prosecution story, the allegation is that the petitioner assaulted the informant's son by 'lathi' and later, specific allegation is against Haro Paswan of using pistol to fire which hit the stomach of the informant's son causing injury. He was taken to Sadar Hospital, Biharsharif and then to V.I.M.S., Pawapuri and from there to Patna.

4. Learned counsel for the petitioner submits that



allegation of opening fire is on Haro Paswan. So far as this petitioner is concerned, though the allegation is of using 'lathi', it has not been clarified that actually which part of the body of the informant's son was hit/injured.

5. Learned counsel for the informant, on the other hand, submits that from the FIR itself, it is clear that the informant's son was rushed to Bihar Sharif then to Pawapuri and finally to Patna.

6. Though injuries are there, so far as this petitioner is concerned, the allegation of using 'lathi' has been assigned but actually where the petitioner hit the informant's son, the same has not attributed, the specific allegation is against Haro Paswan and is in custody since 12.05.2023 (as stated in paragraph 14 of the petition) and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bihar Sharif at Nalanda, in connection with Asthawan P.S. Case No. 120 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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