

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60577 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- SAUR BAZAR District- Saharsa

SHIV KUMAR PASWAN @ SUKUMAR PASWAN S/O BALESHWAR
PASWAN R/O VILLAGE- BAIJNATHPUR, PS. SOURBAZAR
(BAIJNATHPUR O.P), DIST. SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Satish Kumar Singh
For the State	:	Mr.Arun Kumar Pandey
For the Informant	:	Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 05-12-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 133 of 2023 arising out of Sourbazar (Bajnathpur OP) P.S. Case No. 03 of 2023 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and others are said to have fired from the pistol as a result of which informant's son died.

4. Learned counsel for the petitioner submits that petitioner is in custody since 21.01.2023. He fairly submits that petitioner bears criminal antecedent of seven cases and



petitioner has been granted bail in almost all the cases. Petitioner is quite innocent and has not committed any offence as alleged in the FIR and due to his previous criminal antecedent, the petitioner has falsely been implicated in this case. He further submits that no specific overt-act has been attributed against the petitioner rather the allegation is general and omnibus in nature. He further submits that co-accused Shiva Kumar has already been granted bail by a co-ordinate Bench of this court vide Cr. Misc. No. 58657 of 2023 and case of present petitioner stands more or less on similar footing.

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 there is specific allegation of firing against petitioner and co-accused Raushan Kumar which finds place from the statement of witness Ranjit Prasad and Namo Yadav who are the person having concerned shop at the place of occurrence, whose statements have been recorded at paragraphs no. 11 and 12 of the case diary. The postmortem report also corroborates the allegation made in the FIR. They further submitted that co-accused Shiva Kumar has been granted bail by a co-ordinate Bench of this court as only allegation against him is that he accompanied with the petitioner and



others. They further submitted that on similar and identical allegation bail prayer of co-accused Roshan Kumar has already been rejected by a co-ordinate Bench of this court vide Cr. Misc. No. 49479 of 2023 and hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner stands rejected.

7. The learned trial court is directed to expedite the trial and conclude the same as early as possible.

(Alok Kumar Pandey, J)

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