

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.63207 of 2022**

Arising Out of PS. Case No.-379 Year-2021 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

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Bharat Paswan, Male, aged about 54 years, S/O Late Durga Paswan @ Late  
Durgi Paswan, Resident of Village- Rajaura, P.S.- Muffasil, District-  
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD  
ORAL ORDER**

2      07-02-2023      Heard learned counsel for the petitioner and the learned APP  
for the State.

The petitioner seeks bail in connection with Muffasil P.S. Case  
No. 379 of 2021 registered for the offence punishable under Section  
307, 34 of the Indian Penal Code (for brevity 'IPC') and Section  
25(1-b)a, 26, 27, 35 of the Arms Act.

Two (2) persons have entered the house of the informant in the  
night and it is alleged that they have fired upon the informant. One  
of the perpetrators (co-accused) Pandav Kumar has been  
apprehended by the villagers.

Learned counsel for the petitioner submits that the petitioner's  
implication, is at the instance of co-accused, namely, Pandav Kumar,  
who was having old enmity and grudge against the petitioner, which  
is apparent from the fact that earlier the said, Pandav Kumar has  
lodged Muffasil P.S. Case No. 381 of 2021 against the instant  
petitioner. Other than the said case, there is no criminal antecedents  
of the petitioner. It is submitted that there is no injury. He has not  
been apprehended at the informant's house and his arrest has not led  
to recovery of any incriminating article. It is submitted that



investigation is complete. He is stated to be in custody since 29.06.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, petitioner's plea of false implication, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Ist Class, Begusarai, in connection with Muffasil P.S. Case No. 379 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

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