

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66750 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- MUFFASIL District- Aurangabad

Kamdeo Paswan Son of Late Sahdeo Paswan R/v- Ora Tola Munshi Bigha,
P.S.- Aurangabad Muffasil, District- Aurangabad (Bihar) (wrongly mentioned
in F.I.R. as 48 years)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Ms. Leelawati Kumari, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Aurangabad Muffasil P.S. Case No. 246 of
2022, registered for the offences punishable under Sections 147,
302, 120B of the Indian Penal Code and Section 27 of the Arms
Act.

It is alleged that when the informant along with his
father went to their field, in the meantime, thirteen accused
persons including the petitioner came there and co-accused



Sunil Chandrawanshi and Rahul Chandrawanshi started indiscriminate firing with pistol upon the informant and his father, due to which the informant's father died on the spot.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the specific allegation of firing has been attributed against co-accused Sunil Chandrawanshi and Rahul Chandrawanshi and general and omnibus allegation has been leveled against other co-accused persons. Taking into the aforesaid fact that no specific allegation has been leveled against other co-accused person, namely Raja Kumar @ Raj Kumar has been allowed privilege of bail by learned Co-ordinate Bench of this court in Cr. Misc. No.61765 of 2022 vide order dated 09.02.2023. She further submits that the present FIR has been instituted in the background of the fact that prior to the institution of the crime in relation to the murder of father of co-accused Ajit Kumar a FIR has been instituted against the father of the informant, wherein the petitioner is one of the witness. She lastly submits that co-accused Ajit Kumar who has also named in the FIR has been allowed privilege of anticipatory bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 71601 of 2022 vide order dated 02.02.2023 and so far the present petitioner is concerned, he is in custody since



24.08.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involved in Aurangabad Muffasil P.S. Case No.37 of 2012.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, apart from the fact that persons having identical allegation have been allowed privilege of bail by different learned Co-ordinate Benches of this Court, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, Aurangabad (Bihar) in connection with Aurangabad Muffasil P.S. Case No. 246 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below 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 court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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