

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67227 of 2022

Arising Out of PS. Case No.-171 Year-2019 Thana- DANIYAWAN District- Patna

Brind Paswan Son of Late Moti Paswan Resident of Village/Mohallah-
Mustfapur, P.S.- Daniyawa, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Aprajita, Advocate
		Mr. Animesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Daniyawan P.S. Case No. 171 of 2019 registered for the offence
under Sections 147, 148, 149, 323, 324 and 302 of I.P.C.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.04.2022.

The allegation against the petitioner is to commit
murder of mother of informant alongwith other 10 named co-
accused persons and 4 to 5 unknown persons, it is further
alleged thereof, to assault on the right hand of the informant by



means of iron rod causing fracture, where occurrence is founded over neighbourhood dispute and differences.

Learned counsel appearing on behalf of the petitioner submitted that the allegation alleged to be caused the death of mother of informant is appearing very much general and omnibus against this petitioner, as it appears from the face of F.I.R. It is further submitted that the second assault as alleged to be caused by this petitioner is admittedly, on the right hand of the informant causing fracture and not even suspicion was raised that he was under intention to cause death of the informant. It is also submitted that charge has been framed in this matter and trial is not likely to conclude in near future. It is also submitted that similarly situated co-accused, namely, Putur Paswan has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 52055 of 2022, vide order dated 28.09.2022, after framing of the charge. While concluding the argument, it has been submitted that petitioner found involved in four cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, and as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail



submitted that petitioner actively participated in the occurrence.

Considering the facts and circumstances as mentioned above and by taking note of the nature of allegation, which is appearing very much general and omnibus, where also allegation as regard to causing assault by this petitioner is appearing on the non-vital part of the body, suggesting no intention to cause death, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Daniyawan P.S. Case No. 171 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd, Patna City/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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