

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68433 of 2022**

Arising Out of PS. Case No.-113 Year-2019 Thana- RUPAULI District- Purnia

Lakhan Paswan Son of Ganesh Paswan, R/o Village- Ajhokoppa, P.S.-
Rupauli, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 27-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 307, 302, 452, 504, 506, 114 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation is of firing by Kavi Paswan killing the deceased and Rooplal Paswan who fired injuring Lalo Paswan who had come along with the named accused persons including the petitioner to the house of the informant and the occurrence took place on account of land dispute.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



present case is counter blast of Rupouli P.S. Case No. 92 of 2019 filed by the father of the petitioner against the husband of the informant. He further submits that it appears from the F.I.R. that F.I.R. in two parts, in first part, there is specific allegation of firing against co-accused namely, Kavi Paswan and Rooplal Paswan and in second part, there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Bholan @ Jitendra Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 10.12.2020 passed in Cr. Misc. No. 32108 of 2020 and another co-accused has been granted bail by a coordinate Bench of this Court vide order dated 23.05.2022 passed in Cr. Misc. No. 853 of 2022. The petitioner is in custody since 21.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court



below where the case is pending in connection with Rupauli P.S.

Case No. 113 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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