

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73487 of 2022

Arising Out of PS. Case No.-65 Year-2021 Thana- BUNIYAD GANJ District- Gaya

KALLU PASWAN @ TENIYA @ KALLU S/O PRAKASH PASWAN
Resident of village- Gandhi Nagar, P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rajeev Nayan ,APP, 231

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 21-04-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Sessions Trial No. 248 of 2022/12 of 2022, arising out of Buniyadganj P.S. Case No. 65 of 2021, registered for offence punishable under Sections 147, 148, 149, 341, 323, 386, 302 and 379 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner has submitted that there is no allegation on the petitioner to inflict assault on the person of the deceased. The allegation to fire shot on the deceased is on co-accused Durga and it has come in paragraph 21 of the case diary that co-accused Sintu Kumar pointed pistol



to the deceased, who attempted to snatch his pistol, in the meanwhile, it fired, which hit him.

The learned counsel for the petitioner has also submitted that the petitioner is not assailant. Only allegation against him is that during scuffle, he snatched silver chain from the neck of the deceased. The learned counsel has also submitted that co-accused Pintu Paswan, having similar allegation, has been granted bail by the coordinate Bench of this Court in Cr. Misc. No. 30418 of 2022 on 09.11.2022, as mentioned in paragraph 14 of the bail petition. The petitioner is under custody since 06.08.2021.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XI, Gaya in connection with Sessions Trial No. 248 of 2022/12 of 2022, arising out of Buniyadganj P.S. Case No. 65 of 2021, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.



(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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