

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80007 of 2023

Arising Out of PS. Case No.-13 Year-2021 Thana- DANDARI District- Begusarai

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SURAJ PASWAN @ SURAJ KUMAR son of Hare Ram Paswan @ Hareya
Village- Rajopur Ps- Dandari, Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh

For the Opposite Party/s : Mr.Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S.T.
No.604 (A)/2022 arising out of Dandari P.S. Case No. 13/2021
registered for the offences punishable under Sections 341, 323,
307, 34 of the Indian Penal Code and Section 27 of the Arms
Act.

3. As per prosecution case, the petitioner and nine
others are said to have made firing from the country made pistol
which hit the informant's son Manjesh Yadav in left chest and
left hand and he fell down on the earth.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to village politics. The petitioner is languishing in



custody since 28.03.2023 and bears no criminal antecedent. No incriminating article has been recovered from the conscious possession of the petitioner. There is no specific allegation against the petitioner and the allegation are general and omnibus in nature. He orally submits that as per injury report, it is not clear as to whether the injury has been caused by the fire arm or not. He further submits that the petitioner has nothing to do with the alleged occurrence. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar and identical allegation, co-accused, Guddu Kumar, Hareram Paswan @ Hareya and Dharmraj Paswan @ Dubra have already been granted bail by the different co-ordinate Benches of this Court vide Cr. Misc. No.44858/2021, Cr. Misc. No.57044/2023 and Cr. Misc. No.48217/2023 and on the principle of parity, the petitioner also deserves same treatment.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into



consideration the material available on record, let the petitioner above named 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-IIInd, Begusarai in connection with S.T. No.604 (A)/2022 arising out of Dandari P.S. Case No. 13/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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