

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9211 of 2023

Arising Out of PS. Case No.-67 Year-2020 Thana- KAJRAILI District- Bhagalpur

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Bappy Paswan Son Of Shiv Narayan Paswan @ Shiva Paswan R/V
Gaurachaki, P.S.- Kajraili, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ambrish Kumar Jha

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 09-02-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner has prayed for bail in a case registered
for the offence punishable under Sections 302 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, it is alleged that on
10.09.2020, while the informant was on patrolling duty, he
received an information that a person lying injured on the road and
also received a gun shot injury on his neck. It is further alleged
that local people and passerby identified the person as sheikh
Apsar.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. The F.I.R. has been lodged against unknown persons.
Only on the basis of suspicion and self confessional statement



before the police, the petitioner has been falsely implicated in this case. No one is the eye witness of the alleged occurrence. Nothing incriminating article has been recovered from the conscious possession of the petitioner. There is no specific overt against this petitioner. During investigation, no consistent material/evidence has been found against him. The other co-accused persons have already been granted bail by different co-ordinate Bench of this Court vide order dated 26.04.2022 and 24.08.2022 passed in Cr. Misc. No. 49719 of 2021 and 53490 of 2021 respectively. Petitioner is languishing in judicial custody since 20.09.2020.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge 4th, Bhagalpur in connection with Kajraili P.S. Case No.67 of 2020.

(Sunil Kumar Panwar, J)

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