

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13411 of 2024

Arising Out of PS. Case No.-794 Year-2022 Thana- GAURICHAK District- Patna

Subodh Paswan Son of Ram Swarath Paswan @ Swarath Das Resident of -
Sudiha, P.S. - Gaurichak, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vindhyachal Singh, Sr. Advocate Mr. Abhimanyu Deo, Advocate
For the Informant	:	Mr. Pintu Kumar Patel, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 6 19-07-2024 1. Heard learned counsel for the petitioner, learned counsel for the informant and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Gaurichak P.S. Case No. 794 of 2022 dated 28.11.2022 registered for the offence(s) punishable under Section(s) 302, 120B/34 of Indian Penal Code and Section 27 of Arms Act.
3. As per prosecution, Rampati Ravidas (informant) stated that on 28.11.2022 at around 5:30 A.M., Birendra Kumar (deceased) was going to Arwal to drop the informant but due to bad condition of the road the informant was walking behind his son's motorcycle. At a distance of 500 yards from the house, 10 persons, 3 armed and rest empty handed had already set up an ambush. Accused Mani Paswan shot at the informant's son and



then the informant and his son started running toward their house. Thereafter the accused persons caught hold of the informant's son near Ram Naresh Ravidas's house and then Subodh Paswan (appellant) shot dead the informant's son. The accused Prabhat Ravidas along with other accused persons fired in the air.

4. Mr. Vindhyachal Singh, learned senior counsel appearing for the petitioner submits that between the petitioner and informant's family there is an old standing enmity and out of total 11 cases of his antecedents, 7 were outcome of land dispute in which the petitioner has been granted anticipatory bail. So far as the instant matter is concerned as per FIR only three shots were fired among them one was fired in the air and second shot fired by co-accused Mani Paswan caused fire-arm injury near the temporal region of the head and petitioner is alleged to have fired at the deceased from a very close range at his temporal region but as per the postmortem report five entry wounds of firearm injuries were found which shows that the deceased sustained five gun shot injuries and sixth injury was caused due to hard and blunt object and the same falsifies the manner of occurrence as described in the FIR, in fact the informant is not an eye-witness. It is further submitted that some



co-accused persons namely, Dhiraj Paswan, Lalan Paswan and Sugrib Paswan have been granted bail by this court and co-ordinate benches of this court vide orders dated 12.07.2023, 20.07.2023 and 21.07.2023 passed in Cr. Misc. No. 35698 of 2023, Cr. Misc. No. 43081 of 2023 & Cr. Misc. No. 38323 of 2023 respectively.

5. Mr. Pintu Kumar Patel, learned counsel for the informant has opposed the bail prayer of the petitioner and submitted that there is a serious and direct allegation against this petitioner and admittedly there is deep rooted enmity in between the petitioner and informant's family and his case does not stand on similar footing with the co-accused persons who are on bail.

6. Having considered the seriousness of the allegation appearing against the petitioner from the FIR and he is alleged to have caused firearm injury at the vital part of the body of the deceased from a very close range and in this regard the medical finding given in the postmortem report of the deceased is a corroborative evidence and moreover the petitioner has several criminal antecedents and there is a deep rooted enmity in between both the parties, in my opinion, it is not a fit case for bail to the petitioner. Accordingly his prayer stands rejected.

7. As the petitioner has been languishing in jail since



20.10.2023 and as per submission made by petitioner’s counsel the charges have not been framed till date so the court concerned is directed to take steps to frame the charges upon the petitioner at the earliest and thereafter expedite the trial of the petitioner and conclude the same in the next 18 months.

(Shailendra Singh, J)

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