

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13918 of 2024

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

Mani Paswan @ Jitesh Paswan, aged about 27 years, Gender-Male, Son of
Goohan Paswan @ Lakshman Paswan Resident of Sudiha, P.S.- Gaurichak,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhimanyu Deo, Advocate
For the Opposite Party/s:		Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Madhav Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Gaurichak P.S. Case No. 794 of 2022 from the Court of ACJM-
VI, Patnacity, Patna registered for an offence punishable under
Sections 302 and 120(B)/34 of the Indian Penal Code and Sec-
tion 27 of the Arms Act.

3. As per allegation in the FIR, it is a case of shot
fired by the petitioner and co-accused Subodh Paswan.

4. Learned counsel for the petitioner submits that peti-
tioner has falsely been implicated in this case due to ulterior
motive. He further submits that the informant was not an eye



witness to the alleged occurrence. He next submits that similarly situated co-accused persons have already been granted bail by a Co-ordinate Bench of this Court passed in Cr. Misc. Nos.35698 of 2023 and 36284 of 2023. Petitioner is in custody since 21.09.2023.

5. Learned APP for the State as well as learned counsel for the Informant opposes the prayer for bail of the petitioner and submits that there is direct allegation of firing against the petitioner.

6. On perusal of the first information report and impugned order dated 15.01.2024, it appears that the petitioner is named in the FIR and main allegation of firing is against the petitioner and several witnesses have supported the case of the prosecution and the deceased died due to haemorrhage and shocked as as result of fire arm by the petitioner as mentioned in the impugned order.

7. On perusal of the postmortem report, it appears that there is illegible wound underline maxillary and mandibular bone right side, the wound is illegible contact wound and there is wound of exct. 05 cm x 05 cm cavity deep with everted margin and wound seen on left side of face, below the left angle of mandible and dark blood clots in intervening area with lacera-



tion of base of tongue. The wounds mentioned in the post-mortem report clearly indicates that the gunshot was fired at the deceased as stated in the FIR. The submission made by the learned counsel for the petitioner that other co-accused persons have been granted bail by the Co-ordinate Benches of this Court is denied on the basis that the co-accused have been granted bail only because there are no specific allegation against the co-accused persons who have been granted bail but there is specific and direct allegation against Mani Paswan @ Jitesh Paswan (petitioner) and other co-accused Subodh Paswan, as such, I am not inclined to grant bail to the petitioner.

8. Prayer for bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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