

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39479 of 2024

Arising Out of PS. Case No.-597 Year-2023 Thana- PHULPARAS District- Madhubani

SHIV SHANKAR PASWAN S/O GHORAIYA PASWAN @ SIYARAM
PASWAN R/O VILLAGE- SISWA BARHI, P.S- PHULPARAS, DISTT.-
MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Jitendra Kumar Bharti, Adv. Nitu Kumari, Adv.
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP
For the informant	:	Mr. Gagan Deo Yadav, Adv.

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

ORAL ORDER

5 27-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Phulparas P.S. Case No. 597 of 2023 registered for the offence
punishable under Sections-302, 120(B)/ 34 of the Indian Penal
Code and 27 of the Arms Act.

3. As per allegation, 19 accused persons attacked the
house of the informant. They were equipped with pistol etc. Co-
accused namely, Enamul, Yakub, Ziyaul, Asif and Munshi were
firing shots. Co-accused Fulo Khatoon and Zeba Parvin ordered
the other accused persons to kill the son of the informant.
Thereafter, the petitioner along with other co-accused persons



caught hold of Shakil, son of the informant and co-accused Co-accused, Inamul fired shot at the deceased.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated in this case. There is general and omnibus allegation. It has further been submitted that though there is similar allegation against co-accused Mushaharu Miyan @ Sadre Alam @ Musharu Mian @ Md. Sadre whose application for bail was rejected by this court in Cr. Misc. No. 45728 of 2024 but the reason for refusal of bail of that petitioner was concealment of his three antecedents in his bail application. This petitioner is not the assailant. He is a person of clean antecedent.

5. Learned counsel appearing for the informant has opposed the prayer for bail of the petitioner and submitted that the allegation against the petitioner is similar to that of co-accused Mushaharu Miyan @ Sadre Alam @ Musharu Mian @ Md. Sadre whose bail application has been rejected.

6. It appears that one of the grounds for rejection of bail of Co-accused Mushaharu Miyan @ Sadre Alam @ Musharu Mian @ Md. Sadre was that he had concealed his three antecedents. The petitioner is not the assailant. The allegation against the petitioner is general and omnibus and he is a person



of clean antecedent.

7. Considering the aforesaid facts and circumstances, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IIInd, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 597 of 2023 subject to the condition that **the petitioner will appear in the court below on each and every date fixed in the case and if, he fails to do so on two consecutive dates unless he is prevented by extremely adverse circumstances, the learned court below shall be at liberty to cancel the bail bonds of the petitioner.**

(Nawneet Kumar Pandey, J)

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