

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41775 of 2024

Arising Out of PS. Case No.-161 Year-2022 Thana- RUPAULI District- Purnia

1. Mandan Paswan @ Madan Kumar Paswan Son of Mushan Paswan R/O Vill.- Ajhokopa, P.S.- Rupauli, Dist.- Purnea
2. Roushan Paswan Son of Lalo Paswan R/O Vill.- Ajhokopa, P.S.- Rupauli, Dist.- Purnea
3. Hari Paswan Son of Mushan Paswan R/O Vill.- Ajhokopa, P.S.- Rupauli, Dist.- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate
For the State	:	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 21-06-2024 Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The petitioners seek regular bail in connection with Rupauli P.S. Case No.161 of 2022 dated 16.06.2022, registered for the offences punishable under Sections 147, 148, 149, 302, 504 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

3. The prosecution case as emerges from the FIR is that the co-accused Sunil Paswan killed the husband of the Informant by causing gunshot injury. The allegation against the Petitioner no.1 is of firing whereas petitioner nos. 2 and 3 are of abusing the Informant and her husband.



4. Ld. Counsel for the Petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the main accused is Sunil Paswan against whom there is allegation of causing the death of Shivji Paswan (husband of informant) by firearm injury and against the Petitioners there is no allegation of causing death of the deceased. He also submits that the only allegation against Madan Paswan (petitioner no.1) is that of doing firing and as per the First Information Report, there is no allegation that anybody died on account of his firing. He further submits that there is no allegation of overt act on the part of other two Petitioners i.e. Raushan Paswan and Hari Paswan. He also submits that even allegation of firing by Madan Paswan is false and fabricated to make the case serious against him. He further submits that other co-accused persons have already been enlarged on bail by this Court vide order dated 30.05.2023 and 17.05.2024 passed in Cr. Misc. Nos. 27387 of 2023 and 36048 of 2024 respectively.

5. He further submits that the petitioners have been languishing in jail since 12.01.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner Nos. 1 and 2 have one criminal antecedents in which they are on bail and petitioner no.3 has no



criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular bail.

8. However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

9. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate Purnea in connection with Rupauli P.S. Case No.161 of 2022 on the following conditions:

(i) The petitioners shall make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners shall undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence are required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from



disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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