

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45842 of 2024

Arising Out of PS. Case No.-164 Year-2024 Thana- BIHTA District- Patna

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Budhan Paswan Son of Vidyarthi Paswan R/O Vill.- Yamunapur, P.S.- Bihta,
Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bihta
P.S. case No. 164 of 2024 instituted for the offences under
Sections 342, 379, 385, 307, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. It is alleged that when informant's brother was
sleeping in his shop, all the accused persons including this
petitioner came at the shop and demanded money from him and
when the informant's brother refused to give the money then all
the accused persons took out pistol and, in the meantime, co-
accused Ramashankar Paswan @ Kara fired upon him due to
which he sustained gunshot injury in his chest. It is further



alleged that miscreants took Rs. 40,000/- from the cash box of the shop and fled away.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case merely because of the fact that one day before the date of alleged occurrence, a quarrel took place between the informant and this petitioner. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The specific allegation of firing is attributed to co-accused Ramashankar Paswan @ Kara. Learned counsel further submitted that as per injury report of the informant's brother, one firearm injury has been caused on the chest which is grievous in nature. It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.03.2024 and has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, no any specific allegation of firing as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bihta P.S. case No. 164 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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