

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51343 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- BIND District- Nalanda

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1. Surendra Paswan @ Surendra Pasawan son of Dasrath Paswan Resident of village - Andauli, P.S. - Shaksohra, Dist- Patna
 2. Jaiki Paswan @ Jaiki Kumar son of Ishwar Paswan Resident of village - Andauli, P.S. - Shaksohra, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar

For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Bind P.S. Case No. 52 of 2024 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 302, 504 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 05.04.2024 at 06:00 PM his son had gone to attend call of nature, when the informant heard sound of firing and thus rushed towards the place of occurrence where he saw



that his son was shot in the abdomen and his son disclosed that the named accused persons including the peititoners were present at the place of occurrence from before and started abusing him, thereafter Gonga Paswan fired causing injury in his stomach, further his son died while he was being taken to Jeevan Deep hospital for treatment after being referred from Bind Health Center.

4. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that specific allegation of firing is against Gonga Paswan, it is next submitted that it does not appear probable that the deceased would have been in a position to disclose about the names of the person involved in the occurrence in such detail with parentage and address, it is also submitted that even the police was informed after 24 hours of the occurrence.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners and submits that what is not in dispute rather stands admitted is that the son of the informant died, it is also submitted that it does not appear probable that a father would falsely implicate someone who was not involved in killing of his son. It is also submitted fairly that no doubt specific allegation of firing is against Gonga Paswan,



but then the son of the informant before his death disclosed about the names of the other accused persons including the petitioners who were present at the place of occurrence, thus, submits that it appears that Gonga Paswan felt emboldened and thus fired causing death of son of the informant. It is next submitted that investigation of the case is in its nascent stages.

6. Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

7. Accordingly, the instant anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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