

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60208 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- HISUWA District- Nawada

1. Dharmendra Paswan son of Late Saryug Paswan @ Saryu Paswan Village- Oro Ps- Hisua Dist- Nawada
2. Dhananjay Kumar son of Late Krishnandan Prasad @ Krishnandan Singh Village- Oro Ps- Hisua Dist- Nawada
3. Sunny Kumar son of Birendra Singh @ Pathal Singh Village- Oro Ps- Hisua Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Nayan
For the Opposite Party/s : Mr. Ram Priya Sharan Singh
For the Informant : Mr. Sheo Kumar Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2024 1. Heard learned counsel for the petitioners, learned
APP for the State and the learned counsel appearing on behalf of
the informant.

2. The petitioner seeks bail in anticipation of their arrest in a case registered for the offences punishable under Sections 307, 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. The learned counsel for the petitioners submit that the petitioner no. 1 has antecedent of one case and petitioner no. 2 and 3 have antecedent of two cases and the informant alleges that on 17.02.2024, a cultural festival was organised near



Saraswati Sthan and when he was approaching his pumping set cabin near the Saraswati Sthan, it is alleged that petitioners came and Dharmendra fired, causing injury on his thigh, thereafter, Dhananjay and Sunny also fired, but missed, thereafter informant raised an alarm on which the accused persons fled.

4. The learned counsel for the petitioners submit that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that Dharmendra Paswan is a Constable in CRPF and since he is a sole earning member of his family, as such, he has been implicated in the instant case by the informant. It is also submitted that earlier brother of Dharmendra Paswan namely, Jitendra had instituted Hisua P.S. Case No. 67 of 2022 against the informant and his family members and the informant was pressurizing Jitendra to compromise the case. It is next submitted that on the day of Saraswati Puja, the informant was drinking and by mistake his own gun fired, causing injury but then taking advantage of the situation instituted the instant case alleging that Dharmendra fired, causing injury on his thigh, while other two petitioners missed.

5. The learned APP for the State and the learned



counsel appearing on behalf of the informant opposes the anticipatory bail application.

6. The learned counsel appearing on behalf of the informant submits that there is a specific allegation against this petitioner of firing and causing injury, though as far as petitioner nos. 2 and 3 are concerned, they are alleged to have fired, but missed. It is also submitted that Petitioner No. 1/Dharmendra Paswan has not approached this Court with clean hands, he has antecedent of three cases but he has disclosed only one case in the anticipatory bail application on which the learned counsel appearing on behalf of the petitioner submits that the criminal antecedent of Dharmendra Paswan had been disclosed as per information provided by the Deponent of the case.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Nawada or Successor Court in connection with Hisua P.S. Case No. 106 of 2024, subject to the conditions laid



down under Section 438(2) of the Cr.P.C.

8. However, the learned trial court before accepting the bail bonds of Dharmendra Paswan shall verify his criminal antecedents and in the event, if it is found that he has more than one antecedent, in that event, his bail bonds shall not be accepted.

9. The application stands allowed.

(Satyavrat Verma, J)

Sudhanshu/-

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