

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69719 of 2024

Arising Out of PS. Case No.-301 Year-2021 Thana- OBRA District- Aurangabad

Jitendra Paswan Son of Rajnath Paswan Resident of Village - Bharoop Bigha,
Hariharganj Tola, P.S. - Obra, District - Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nikita Mittal, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2024 Heard Ms. Nikita Mittal, learned counsel for the

petitioner and Mr. Ashok Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Obra P.S. Case No.301 of 2021, FIR dated 27.11.2021 registered for the offences punishable under Sections 341, 323, 504, 307, 506 and 34 of the IPC and Section-27 of the Arms Act.

3. According to prosecution case, several accused persons including the petitioner attacked the informant Birju Yadav and Vikash Kumar and started pelting stones on them where Deenbandhu Paswan, Arun Paswan, Umesh Paswan, Raj Bihari Paswan, Dinesh Paswan and Vinay Paswan opened fire with the pistol and Deenbandhu Paswan fired on the informant



which hits his leg and he fell down on the ground.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from a bare perusal of the FIR it appears that there is specific allegation of firing attributed against co-accused person, namely, Deen Bandhu Paswan @ Dinbandhu Paswan and he has been granted privilege of anticipatory bail by this Court vide order dated 13.12.2022 passed in Cr. Misc. 25955 of 2022 and the allegation against the petitioner is concerned that there is no specific allegation against the petitioner in the FIR. Further submits that other co-accused persons, namely, Arun Kumar @ Arun Paswan and others have been granted privilege of anticipatory bail by this Court vide order dated 01.11.2022 passed in Cr. Misc. No. 26365 of 2022 and co-accused person, namely, Rohit Kumar has also been granted privilege of anticipatory bail by this Court vide order dated 09.11.2022 passed in Cr. Misc. No.29964 of 2022.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and apart from that, the petitioner



carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 S.D.J.M, Aurangabad in connection with Obra P.S. Case No.301 of 2021 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-Harshita

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