

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61675 of 2024

Arising Out of PS. Case No.-797 Year-2024 Thana- PHULWARISHARIF District- Patna

Sunil Paswan S/o Dayanand Paswan R/o Jail Hind Colony Ranipur, P.S.-
Phulwarisharif, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-08-2024 1. Heard learned counsel for the petitioner and Mr. Chandra Bhushan Prasad learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 307, 302, 379, 504/34 and 120B of the Indian Penal Code as well as Section 27 of the Arms Act.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.
4. The informant alleges that his family members had gathered for settling a dispute through mediation in a garden adjacent to the house of the informant. Further, petitioner started abusing the husband of the informant and his wife rushed to her house and brought firearm and gave to her sons Aman Paswan and Sunny Paswan. On orders of petitioner, Aman Paswan and Sunny Paswan shot Abhishek Paswan and Mangru Paswan but



bullets missed Abhishek Paswan and hit Mangaru Paswan. Mangaru Paswan was also shot by Vishal Paswan and Vikash Paswan on orders of Nokha Paswan. Further, Mangaru Paswan died and Sunny Paswan took the licensed weapon of the deceased from his waist. Further, the reason for the occurrence is that Pawan Paswan had taken Rs.15 lakhs in the name of stopping an auction of the house of Managru from Mangaru but he intended to misappropriate the money and when the money was demanded Mangaru was threatened and thereafter the occurrence took place.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case with an allegation that it was on his order that his sons fired causing firearm injury to Mangaru. It is further submitted that petitioner has been falsely implicated in the present case by the informant in order to coerce his sons into submission. It is next submitted that a supplementary affidavit has been filed on behalf of the petitioner wherein a specific stand has been taken that petitioner is suffering from Open Angle Glaucoma in both eyes and at present he is blind by both eyes and he has been treated at various hospitals including Sankara Nethralaya, Chennai and presently he is being treated at C.K.Birla Hospitals/CMRI,



Kolkata. It is thus submitted that a person who is blind by both eyes whether would have gone to the place of occurrence.

6. Learned A.P.P. for the State submits that no doubt a specific pleading has been made that petitioner is blind by both eyes on account of suffering from Open Angle Glaucoma but then there is an allegation against him that it was on his orders that his sons fired causing injury to Mangaru leading to his death. It is also submitted that if petitioner is given the privilege of anticipatory bail in that event petitioner may abscond or try to tamper with the evidence on which learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Phulwari Sharif P.S. Case No. 797 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



8. However, if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. If during the course of investigation, it transpires that petitioner is not blind by both the eyes and charge-sheet is submitted in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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