

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66091 of 2024

Arising Out of PS. Case No.-161 Year-2022 Thana- RUPAULI District- Purnia

1. Bindo Paswan @ Binda Paswan Son of Late Musan Paswan Resident of Vill- Ajhokopa, P.S- Rupauli, District- Purnea
2. Mithun Kumar @ Mithun Paswan Son of Sri Lalo Paswan Resident of Vill- Ajhokopa, P.S- Rupauli, District- Purnea
3. Dabloo Kumar @ Dabloo Paswan Son of Sri Lalo Paswan Resident of Vill- Ajhokopa, P.S- Rupauli, District- Purnea

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Amit Kumar Anand Ms. Bharti Kumari, Advocate
For the State	:	Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 27-09-2024 Heard Ld. counsel for the Petitioners and Ld. APP for the State.

2. The Petitioners seek regular bail in connection with Rupauli P.S. Case No.161 of 2022 dated 16.06.2022, registered for the offences punishable under Sections 147, 148, 149, 302, 504 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

3. The prosecution case as emerges from the FIR is that the co-accused Sunil Paswan killed the husband of the Informant by causing gunshot injury.

4. Ld. counsel for the Petitioners submit that the



Petitioners are innocent and have falsely been implicated in this case. He further submits that even as per the FIR, allegation against two petitioners Bindo Paswan and Mithun Kumar is only that of abusing and as far as the Petitioner, Dabloo Kumar is concerned, there is allegation of only firing. But there is no specific allegation that he fired at the victim leading to his death. The allegation of causing death by gun shot is against the co-accused, Sunil Paswan. He further submits that similarly situated co-accused, Rina Devi, and Anjani Devi, Madan Paswan, Roushan Paswan and Hari Paswan have been enlarged on bail by this Court vide order dated 30.05.2023, 17.05.2024 and 21.06.2024 passed in Cr. Misc. No. 27387 of 2023, Cr. Misc. No.36048 of 2024 and Cr. Misc. No. 41775 of 2024 respectively.

5. He further submits that the Petitioners have been languishing in jail since 13.06.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the Petitioner nos. 1 & 3 have one criminal antecedent each whereas the petitioner no.2 has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the Petitioners have not moved this Court earlier



either for anticipatory bail or regular one.

8. However, Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the Petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate-Ist Class, Purnea in connection with Rupauli P.S. Case No.161 of 2022 on the following conditions:

(i) The Petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The Petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. He must be available to the police or the court whenever their presence is required.

(iii) The Petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the Petitioners have any criminal antecedents, Ld.



court below shall cancel the bail bonds of the Petitioners after hearing them and getting satisfied that the Petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the Petitioners.

(Jitendra Kumar, J)

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