

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68347 of 2024

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

1. Pawan Paswan @ Sri Pawan Paswan Son of Late Devi Lal Paswan R/O 144, Jai Hind Colony, Road No. 01, New Ranipur, PS- Phulwarisharif, Dist.- Patna.
2. Kunti Devi Wife of Pawan Paswan @ Sri Pawan Paswan R/O 144, Jai Hind Colony, Road No. 01, New Ranipur, PS- Phulwarisharif, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

Mr. Anil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-10-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their 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 petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 08.06.2024 her family members at 11:00 a.m. sat in a garden to settle a dispute, when Sunil Paswan started scuffling with her husband Mangru Paswan, thereafter wife of Sunil Paswan went inside her house and brought arms and gave



it to her sons, further on orders of Sunil, accused Aman Paswan fired at Abhishek Paswan but missed, thereafter he shot the husband of the informant and thereafter Sunny also fired at her husband on account of which he fell down, thereafter Vishal Paswan and Vikash Paswan on order of their father (Nokha Paswan) fired causing firearm injury on head of Mangru, while Sunny fled away with the licensed pistol of her husband which he was carrying in his waist and also snatched the mobile of Neha Priya who was videographing the occurrence, further alleges that earlier Rs.15 lakhs was given to Pawan for staying the auction of the house which he never returned, further Pawan and his sons Dablu, Sandip, Akash and wife of Pawan also threatened to kill, thus, alleges that her husband was killed at the behest of Pawan, his three sons and wife (Kumti) and they also may get the informant, Abhishek and Neha killed.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case based on suspicion. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of firing is against Aman, Sunny, Vishal and Vikash. It is next submitted that Vishal and Vikash, who are sons of Nokha Paswan, are alleged to have fired on the orders of Nokha



Paswan. It is also submitted that as far as these petitioners are concerned, they have been implicated based on suspicion and they were not even present at the place of occurrence. It is submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that petitioners have been implicated in the case based on suspicion and informant and her family was having dispute with Pawan from before with respect to money.

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their 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) each 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 Phulwarisharif P.S. Case No. 797 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioners despite giving assurance to this Court are not cooperating in the investigation, the learned court below shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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