

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67444 of 2024

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

Nokha Paswan Son of Late Baldev Paswan R/o Jai Hind Colony, Ranipur,
P.S.- Phulwarishariff, District- 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 petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

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 and is aged about 58
years 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 it is alleged that on orders of the petitioner his sons Vishal Paswan and Vikash Paswan also 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 petitioner submits that petitioner has been falsely implicated in the instant case by the informant. 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 petitioner being father of Vishal and Vikash also came to be implicated with an allegation that his



sons fired at his behest. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that even the deceased was carrying arms on which learned counsel appearing on behalf of the informant submits that the arms which the deceased was carrying was a licensed weapon.

5. Learned counsel for the petitioner submits that it is very easy to implicate a person with an allegation that it was at his orders that the occurrence was committed but then it is submitted that petitioner is aged about 58 years and has remained a person with clean antecedent and is not alleged to have fired. It is further submitted that no father would want his own sons to be implicated in such a gruesome case.

6. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submissions of the learned counsel for the petitioner that no overt act has been alleged against the petitioner and that no father would want his own sons to be implicated in such a gruesome offence. Learned counsel appearing on behalf of the informant further submits that if privilege of anticipatory bail is granted, the 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 would cooperate in the investigation to prove his innocence.

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 Phulwarisharif 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, 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 petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned court below shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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