

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70876 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- Patarghat District- Saharsa

Ajay Paswan S/o- Shudhir Paswan Resident of village- Bhaddi Ward no. 16
PS- Patarghat, Dist- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s :	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Session Trial No. 249 of 2024 arising out of Patarghat P.S. Case No. 37 of 2024, registered on 01.04.2024, for the alleged offences under Sections 341, 323, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

03. As per prosecution case, petitioner and other co-accused persons came to the shop of the husband of the informant and co-accused Alia Miyan fired upon him and the shot hit him in his right hand. On instigation of co-accused Mithilesh Paswan, another co-accused shot at the husband of the of the informant at his abdomen. When the co-accused Mithilesh Paswan asked this petitioner to open fire, he did not shoot saying that the victim was already dead.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The occurrence took place on 30.03.2024 but the FIR has been lodged on 01.04.2024 and the delay has not been explained. From the FIR, it is evident that there is no specific allegation against the petitioner for opening fire and causing injury on the husband of the informant, which is specific against the co-accused persons rather the petitioner refused to fire upon the husband of the informant. The informant has not mentioned any motive and the cause of occurrence, hence the case of prosecution is unbelievable. The petitioner is aged about 23 years and he is a student. The petitioner is in custody since 02.04.2024 and charge-sheet has been submitted. Learned counsel further submits that apart from this case, the petitioner is having antecedent of one more case, in which he is on bail.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the petitioner and other co-accused persons came to the shop of the husband of the informant and opened fire on him and the mobile phone of the petitioner was found at the place of occurrence.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



non specific nature of allegation against the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions-II, Saharsa in connection with Patarghat P.S. Case No. 37 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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