

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71109 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- RAGHOPUR District- Vaishali

Vikash Kumar @ Gajendra Paswan, son of Upendra Paswan @ Upendra Bhagat, Village- Srirampur Ps- Raghapur Dist- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Radha Mohan Singh, Advocate
	Mr.Sachin Kumar, Advocate
For the Opposite Party/s :	Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Raghapur P.S. Case No. 97 of 2023 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act. He has no criminal antecedent as stated in paragraph ‘3’ of the application.

3. Allegation against the petitioner is to make celebratory firing causing death of brother of the informant during marriage ceremony.

4. Learned counsel appearing on behalf of the petitioner submitted that face of F.I.R., clearly speaks that firing, as alleged, was made out of scuffling and not by this petitioner. It



is submitted that narration of F.I.R. completely negate intention to cause death *qua* petitioner. It is pointed out by learned counsel that this is a case of negligence.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the accused/petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact that the allegation of firing is not available against this petitioner, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Raghapur P.S. Case No. 97 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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