

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74045 of 2024

Arising Out of PS. Case No.-354 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

Krishna Kumar @ Krishna Paswan Son of Chandrashekhar Paswan R/o
Village- Bagha, Ward no. 24, Ps- Begusarai, nagar, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Mufassil (Singhaul O.P.) P.S. Case No. 354 of 2022 dated 07.07.2022, instituted for the offence punishable under Sections 307 and 34 of the Indian Penal Code read with Section 27 of the Arms Act and further Section 302 of the Indian Penal Code has been added.

3. Allegation against the petitioner including the co-accused persons is that they armed with weapon and started indiscriminate firing on the chest of the informant's father due to which, he sustained injury and later on, he died during the course of his treatment.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the occurrence took place on 01-07-2022 whereas, the FIR was lodged on 07-07-2022. It is further submitted that the F.I.R. was lodged against the petitioner and five to seven other unknown accused persons, who fired on the informant's father due to which, he succumbed injury. It is next submitted that during trial informant, namely, Hare Ram Sah was examined as PW-4. Learned counsel for the petitioner places reliance in paragraph No. 35 of his deposition, wherein, he has specifically stated that petitioner was not present there at the time of occurrence. The informant has also stated in the said paragraph that he did not even know the name of the person who disclosed the petitioner's name. Further submission is that other co-accused, namely, Md. Sarfaraz @ Nanki has already been granted bail by this Court *vide* order dated 19-05-2023 passed in Cr. Misc. No. 21770 of 2023. Further, it is submitted that other co-accused, namely, Upendra Sah and Md. Rahul have already been granted bail by a Co-ordinate Benches of this Court *vide* Orders dated 20.04.2023 and 12.05.2023 passed in Criminal Miscellaneous No. 73014 of 2022 and in Criminal Miscellaneous No. 17505 of 2023



respectively. Lastly, it has been submitted that the petitioner is in custody since 17-08-2022. The petitioner has eight criminal cases pending against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II, Begusarai in Sessions Trial No. 727 of 2023 arising out of Muffasil (Singhaul O.P) P.S. Case No. 354 of 2022 subject to the conditions (I) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present



case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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