

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75542 of 2023

Arising Out of PS. Case No.-5 Year-2021 Thana- CHAKARANDHA P.S. District- Gaya

Pintu Paswan @ Sarvesh Paswan Son Of Jawahar Paswan Resident Of
Village - Mahurawan, P.S.- Chakarbandha, District - Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Nikhil, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

6 05-04-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner seeks bail in connection with Chakarbandha PS case No. 05 of 2021, dated 31-05-2021, instituted for the offence punishable under Sections 302, 120B and 34 of the IPC and Section 27 of the Arms Act.

3. The prosecution case, in short, is that when the informant and his father were going towards *Bhaluahi Aahar* and reached near the bridge, the petitioner and co-accused person armed with pistol surrounded and assaulted them. On *halla* of his father, the informant reached near him, but the petitioner assaulted him with the butt of his pistol and thereafter shot at him on his temporal region. It is further alleged that on *halla*, Rambilash Paswan and Rahul Paswan ran towards the



informant and co-accused, namely, Rahul Paswan fired on them and escaped from there. It is further alleged that co-accused persons informed the accused whereabouts of the deceased.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated in this case. It is submitted that though the allegation of firing upon the father of the informant is attributed against the petitioner, but till date, there is no recovery of any arms or pistol that was used in the alleged occurrence. Lastly, it is submitted that petitioner has 11 criminal cases against him.

5. The learned APP has opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner of having made firing upon the father of the informant by means of pistol on his temporal region. It is further submitted that father of the informant died due to assault and postmortem report also shows that cause of death was craniocerebral damage and its complications resulting from injury caused by firearm.

6. Since the specific allegation of firing upon deceased is against the petitioner who shot the father of the informant on his temporal region, which has been corroborated by the postmortem report, I am not inclined to grant bail to the



petitioner.

7. Accordingly, the prayer for bail made on behalf of
the petitioner is dismissed.

(Khatim Reza, J)

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