

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80271 of 2023

Arising Out of PS. Case No.-963 Year-2018 Thana- PHULWARISHARIF District- Patna

Rishu Paswan, age about 25 years, S/O Jodhi Paswan @ Ayodhya Paswan,
R/O Village- Janipur Nagwa, P.S.- Janipur (Phulwarisharif), District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mithilesh Kr. Arya, Advocate
For the Opposite Party : Mr. Atul Chandra, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 13-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Janipur (Phulwarisharif) P.S. Case No. 963 of 2018 dated 24.11.2018 registered for the offences punishable under Sections 341, 323, 324, 307/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, the informant went to a shop where a hot discussion took place with the co-accused Naresh Paswan. Thereafter, the petitioner and the co-accused persons came with pistol and fired on the informant causing firearm injury. When his son, Amit Kumar and nephew Niwas Kumar came to rescue him, accused persons also fired on them



causing firearms injuries. Thereafter, the injured were taken to the hospital for treatment. The reason behind the occurrence is that the son of the co-accused Naresh Paswan had solemnized marriage with the informant's niece four years ago and the accused persons regularly used to comment on the informant side with regard to that marriage.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that there is general and omnibus allegation against the petitioner. It is further submitted that there is case and counter case between the parties. It is further submitted that earlier Sonu Kumar, the son of the co-accused Naresh Paswan, solemnized marriage with the niece of the informant for which Phulwarishariff P.S. Case No. 652 of 2014 was registered for the offences punishable under Sections 366A, 384/34 of the I.P.C. against him for kidnapping of the niece of the informant. It is further submitted that the statement of the girl was recorded before the learned court below in which she has accepted that she herself voluntarily married Sonu Kumar. The informant and the petitioner are the next door neighbours and there are inter-caste marriage between the informant's niece and the son of the co-accused and the said marriage was not



accepted by the parents of the girl. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Patna, in connection with Janipur (Phulwarisharif) P.S. Case No. 963 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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