

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3704 of 2024

Arising Out of PS. Case No.-69 Year-2020 Thana- MANPUR District- Nalanda

Subodh Paswan @ Bittu Paswan @ Bikku Paswan Son of Late Kripali Paswan, R/O Village- Mustafapur, Police Station- Manpur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sujata Sinha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-04-2024 Heard Ms. Sujata Sinha, the learned counsel for the petitioner and Mr. Bhanu Pratap Singh, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 21.08.2023 in connection with Manpur P.S. Case No. 69 of 2020, FIR dated 10.07.2020, registered for the offences punishable under Sections 147, 148, 149, 342, 307, 504 and 506 of the Indian Penal Code and under Section 27 of the Arms Act.

3. Earlier the petitioner has moved before a co-ordinate Bench of this Court for grant of anticipatory bail in Cr. Misc. No. 2283 of 2023, which was rejected vide order dated 09.02.2023.

4. According to the prosecution case, during a scuffle between two parties, one Subodh @ Bittu Paswan fired with

rifal and the bullet hit on the right leg of the daughter of the informant.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that as per allegation in the FIR, the petitioner has fired upon the daughter of the informant and she has received injury and there is case and counter-case between the parties. He further submits that there is specific allegation against the petitioner that he has fired upon the daughter of the informant and although the informant's daughter has received the injury, but the injury report of the informant's daughter suggests that injury is simple in nature caused by fire-arms. He lastly submits that co-accused persons namely, Rajaram Paswan and Ors. have been granted the privilege of anticipatory bail by this Court vide order dated 09.06.2022 passed in Cr. Misc. No. 33284 of 2021 and the police after investigation has submitted the chargesheet and the petitioner is in custody since 21.08.2023.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for

bail of the petitioner.

7. Considering the aforesaid facts and circumstances and the fact that there is case and counter-case between the parties, the injury report of the informant's daughter suggests that injury is simple in nature and similarly situated co-accused persons have been granted the privilege of anticipatory bail, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Nalanda at Bihar Sharif, in connection with **Manpur P.S. Case No. 69 of 2020**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). 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.

(iii). And further condition that the trial Court shall

verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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