

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3253 of 2025

Arising Out of PS. Case No.-285 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Bhulla Paswan @ Abhinandan Kumar S/o Deoraj Paswan R/o Village-
Bhatgama, Ward No 27, PS- Dalsingsarai, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Dalsingsarai P.S. Case No. 285 of 2024 registered for the alleged offences under Sections 126(2), 115(2), 109, 103, 352, 3(5) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

03. As per prosecution case, three co-accused persons came to the shop of the informant in late nights and started pressurising him to open the shop. When the informant refused, they abused and also assaulted him. Thereafter, the informant was taken to hospital. Next day again in the night, the petitioner and other co-accused persons came to the house of the informant and started making commotion. When the informant



did not open the door of his house, co-accused persons opened fire on the door and father of the informant received injuries in his ear and subsequently succumbed to the injury.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation against the petitioner for opening fire. Moreover, it is not believable that the informant identified 7 persons in dead of the night. Learned counsel further submits that the petitioner runs an auto-rickshaw and he had earlier refused to take the injured co-accused to hospital, he has been named in this case, though, subsequently he helped the victim by taking him to the hospital. Learned counsel further submits that petitioner has no role in the whole occurrence and he has been implicated merely at the whim of the informant. The petitioner is having antecedent of one case which is a complaint case and petitioner is on bail in that case. The petitioner is in custody since 16.09.2024 and charge-sheet has been submitted. Learned counsel further submits that four co-accused persons have been granted bail by the learned Coordinate Benches of this Court and the case of the petitioner is similarly placed.

05. Learned APP for the State opposes the prayer for bail.



06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no specific allegation of assault or opening fire against the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 1st Dalsingsarai in connection with Dalsingsarai P.S. Case No. 285 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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