

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10395 of 2025

Arising Out of PS. Case No.-114 Year-2002 Thana- MASAUDHI District- Patna

Ashok Paswan S/O Chandeshwar Paswan R/O Vill.- Chapaur, P.S.- Masaurhi,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeshwar Prasad Singh, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 02-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Masaurhi P.S. Case No. 114 of 2002, registered for the offences under Sections 147, 148, 149, 307, 302 of the Indian Penal Code and under Section 27 of the Arms Act and Section 17 of the C.L. Act.

3. As per the prosecution case, petitioner and other co-accused persons came to the place where informant has been sowing paddy and chased one Arun Singh and his father Lakhan Singh and thereafter opened fire upon them, killing Arun Singh on the spot and causing injury to Lakhan Singh. The petitioner and co-accused persons left the place raising slogans in favour of CPI(ML) and they are stated to be the members of extremist group CPI(ML). The occurrence took place in the background



of murder of a *Mukhiya* having allegiance to CPI(ML), by People's War Group.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The entire prosecution story is false and concocted. There is no specific allegation against the petitioner and there is no material to show that the petitioner is a member of CPI(ML) militant group. Nothing incriminating has been recovered from person or possession of this petitioner. The FIR named co-accused persons faced trial and all the witnesses including the informant had been declared hostile during trial as they did not support the case of the prosecution and other co-accused persons have been acquitted in Sessions Trial no. 518 of 2009. The petitioner was not having any knowledge about this case and when he came to know about this case he voluntarily surrendered on 29.01.2024 and thereafter he is in custody. The petitioner is having antecedent of four cases and he is on bail in all these cases. Charge sheet has been submitted in this case.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the deceased was also a member of another militant group, People's War Group, and the said group is stated to have



committed the murder of the *Mukhiya* having allegiance to the CPI(ML) and in retaliation thereof the members of CPI(ML) including this petitioner committed murder of Arun Singh.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the remoteness of allegation and also considering acquittal of other co-accused persons with similar allegation and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Masaurhi, Patna/concerned court, in connection with Masaurhi P.S. Case No. 114 of 2002, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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, if so required by the learned trial court.

(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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