

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34725 of 2025

Arising Out of PS. Case No.-194 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Pappu Paswan S/O Late Dhaneshwar Paswan R/O Village- Karor
(Khanjhapur), P.S- Cheriabariyarpur, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-06-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Cheriyabariyarpur P.S. Case No. 194 of 2024, lodged on
07.11.2024, under Sections 103(1), 3(5) & 351(3) of the BNS,
2023 and under Section 27 of the Arms Act.

3. As per the prosecution, the informant disclosed that
two accused persons came to his house on a motorcycle and
demanded Rs. 2,00,000/- as ransom, threatening to kill his son if
he didn't comply. Subsequently, the next morning, the same two
persons allegedly came to the informant's house. The petitioner
handed a pistol to the other accused and ordered him to kill the
informant. Thereafter, the other accused shot the informant in
the chest, due to which his son died on the spot.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. It is further submitted that there is no specific allegation in the FIR regarding the petitioner's active involvement in the firing of the gunshot. Apart from the allegations made in the FIR, there is no other material evidence against the petitioner. Counsel also submits that the statement of the informant's wife, as recorded by the police, along with some other witness statements, are contradictory in nature. It is further submitted that although the criminal antecedent of the petitioner is not clean, as there is one criminal case pending against him, in which he is presently on bail. Counsel further submits that the petitioner has been in custody since 10.11.2024 and there is no direct allegation of gunshot against the petitioner, therefore, he may be released on bail.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that, as per the statement made in the FIR by the informant, it becomes crystal clear that the alleged occurrence took place in two phases. In the evening, two accused persons, including the present petitioner, demanded ransom and gave threat. On the very next morning, the same two accused persons returned, and the petitioner actively handed



over a pistol to the co-accused and gave the order to fire, as a result of which the firing took place and the informant's son died on the spot.

6. Learned APP for the State opposes the prayer for bail and submits that both the inquest report and the post-mortem report have been annexed in the case. It is submitted that in the inquest report, columns 5 and 6 indicate that the cause of death was a gunshot injury. Furthermore, the post-mortem report reveals that an external injury was present, and the bullet had caused damage to the chest wall and ascending aorta, with blood and clots found in both thoracic cavities and the superior mediastinum.

7. Accordingly, in the opinion of the Court, the contents of the present FIR are consistent with the findings recorded in the inquest report, and the post-mortem report further corroborates the version of events as stated in the FIR.

8. In this background, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby **rejected**.

(Dr. Anshuman, J.)

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