

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75759 of 2024

Arising Out of PS. Case No.-360 Year-2019 Thana- GAYA KOTWALI District- Gaya

Aman Paswan Son of Jai Prakash Paswan @ Jai Prakash Resident of Mohalla
- Powerganj, Kumar Toli, Bairagi, P.S. - Delha, (wrongly typed P.S. Name as
Kotwali in the impugned order), District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 10-01-2025 1. Heard Mr. Priya Ranjan, learned counsel appearing for the petitioner and Mr. Shailendra Kumar, learned APP for the State.
2. Petitioner seeks regular bail in connection with Kotwali P.S. Case No. 360 of 2019 dated 06.08.2019 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 379, 427, 448, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.
3. The main submissions advanced by the learned counsel for the petitioner are that in the instant matter, several co-accused persons have been granted bail by this Bench as well as co-ordinate Benches of this Court and one co-accused Lolo @Rohit Paswan carrying similar nature of allegation has also



been granted bail by co-ordinate Bench of this Court vide order dated 15.03.2021 in Cr. Misc. No. 2993 of 2021 and as per the allegations, a crowd consisting of more than twenty persons including the petitioner arrived at the shop of the informant and committed mischief in the shop but the said allegation is not specific against this petitioner though, he and co-accused Lolo @Rohit Paswan are alleged to have fired during that course but admittedly, no one sustained injury in that firing and the police found only one used cartridge. It is further submitted that though there are several criminal antecedents against the petitioner, he is on bail in all the said cases and the co-accused Lolo @Rohit Paswan has also several criminal antecedents who is on bail and there was some dispute in between the informant and the accused. It is further submitted that the petitioner has been languishing in jail since 14.06.2024 and till date, the charges have not yet been framed upon him and his trial has not been commenced and there is no chance of his trial's starting in near future due to the large number of the accused.

4. Though, learned APP appearing for the State has opposed the bail prayer of the petitioner but fairly accepted that one co-accused carrying similar nature of allegation as well as having criminal antecedents, is on bail and several other accused



are also on bail and no one sustained injury in the alleged firing.

5. Considering the above submissions and mainly taking into account the facts that one co-accused, named above, carrying similar nature of allegation is on bail and the petitioner has been languishing in jail since 14.06.2024 and till date, the charges have not been framed upon him and there are several accused in this matter and admittedly, no one sustained injury in the alleged firing and only one used cartridge is said to have been recovered from the place of occurrence, in my opinion, in the said circumstances, the petitioner deserves to the privilege of regular bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with Kotwali P.S. Case No. 360 of 2019 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned on 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 bonds shall be cancelled by the trial Court.

(ii) If the petitioner tampers with the evidence or the



witnesses then the prosecution will be at liberty to move for
cancellation of his bail.

(iii) One of the bailors shall be a close relative of the
petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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