

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82857 of 2024

Arising Out of PS. Case No.-797 Year-2024 Thana- PHULWARISHARIF District- Patna

Aman Paswan @ Aman Kumar S/o Sunil Paswan Resident of village- Jai
Hind Colony, Ranipur, P.S.- Phulwarisharif, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewanand Tiwari, Adv.

For the informant : Mr. Anil Singh, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 05-03-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public Prosecutor
for the State.

2. The petitioner is apprehending his arrest in connection
with in connection with Phulwarishariff P.S. Case No. 797/2024
dated 08.06.2024 registered for the offence punishable u/ss 307, 302,
379, 504 and 120B read with Section 34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per the prosecution case, the family of the informant
had gathered for mediation to a mutual dispute in a garden adjacent
to the house of the informant and in the meantime, one Sunil Paswan
made scuffle and started abusing, in the meantime, the wife of that
co-accused brought firearms from the house and handed over the
same to her two sons Aman Paswan (petitioner) and Sunny Paswan.
The co-accused Sunil Paswan exhorted to shoot and on that call the
petitioner, Aman Paswan shot Abhishek Paswan but he got saved.



Thereafter, the petitioner, Aman Paswan and the co-accused, Sunny Paswan fired on the informant's husband Mangru Paswan, due to which he fell down. Further, the co-accused Nokha Paswan exhorted his son to fire, then the co-accused Vishal Paswan and Vikash Paswan fired on the head of the informant's husband. In the meantime, the co-accused, Sunny Paswan took out pistol from the waist of the informant's husband and snatched the mobile phone of Neha Priya, from which she was making video. The informant has further alleged that earlier 15 lacs was paid on behalf of Pawan Paswan to stop the auction of the house but Pawan Paswan had not returned the said money. Further, the informant has alleged that she has full faith that the co-accused, Pawan Paswan along with his sons and wife Kunti Devi are behind the alleged occurrence.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is co-sharer of the informant and in order to grab the properties of the petitioner, whole family members have been made accused in the present case as taking advantage of the death of the deceased. The petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail



of the petitioner and submitted that the specific allegation against the petitioner is that he fired on Abhishek Kumar with intent to kill which passed through his temple. The petitioner and the co-accused Sunny Paswan fired on the Informant’s husband due to which he sustained firearm injuries and he fell down. As per the Post-mortem report of the deceased, the cause of death is due to firearm injury over the head, chest and abdominal region, these injuries are sufficient to cause of death in ordinary course of nature.

7. Considering the aforesaid facts and circumstances of the case and the heinous nature of allegation, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender before the Court below concerned within six weeks from the date of this order and the learned Court below may consider the prayer for regular bail of the petitioner in accordance with law and on its own merits without being prejudiced by this order.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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