

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89611 of 2024

Arising Out of PS. Case No.-157 Year-2024 Thana- NIRMALI District- Supaul

Lalit Kumar Paswan, aged about 35 years, male, son of Garbhu Paswan, R/o
Village- Majhari, P.S.- Nirmali, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Nirmali PS Case No.157 of 2024 dated 06.09.2024, instituted
under Sections 126(2), 115(2), 109 of the Bharatiya Nyaya
Sanhita, 2023 and Sections 25(1-B)A, 27 of the Arms Act.

3. The allegation against the petitioner is that he
opened fire from country-made pistol upon the informant. Later
on, the informant snatched the country-made pistol from the
accused and produced the same before the police along with
empty cartridge.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. Further submission is that as per the written report, the



informant produced one country-made pistol and empty cartridge before the police and thereafter seizure list was prepared and, thus, the police has not recovered any article from the place of occurrence. No one has become injured in the said incident. Learned counsel further submits that earlier brother of the petitioner had lodged Nirmali PS Case 42 of 2024 under Sections 366-A of the Indian Penal Code and Section 3(i)(r), 3(i)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act against the informant and others and this case has been lodged only to put pressure to withdraw the case filed against him and others. Lastly, it is submitted that two criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Birpur at Supaul, in Nirmali PS Case No.157 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and



further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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