

**In the Court of Additional District & Sessions Judge XII, Aurangabad**

**Sessions Trial No. 46/2021 (102/21)**

**Arising out of Obara P.S. Case No. 71/2020**

State of Bihar  
Versus  
Joshi Kumar

Learned counsel for the Petitioner- Sri Mukesh Kumar Singh  
Learned counsel for the State- Sri Chandradeo Yadav

**Order dated- 18.08.2021**

1. The petitioner seeks bail in connection with Obara P.S. Case No. 71/20 registered for offences punishable under sections 302 IPC and 27 of the Arms Act. Ld. Counsel for the petitioner and Ld. APP heard, virtually.
2. The case of the prosecution is in *fard-beyan* of one Raj Kumar, dated 05.04.2020. It is stated that informant lives in his maternal uncle's house with his brother Papu Kumar (deceased). On 04.04.2020, cousin maternal uncle of the informant was raising a construction in the land of maternal grand father of the informant. He was aided by Santosh Pawan and Manoj Paswan. The name of cousin maternal uncle of the informant is Anil Paswan. The construction was objected then Joshi Kumar (petitioner), Manoj Paswan, Shiwanti Devi, Usha Devi, Luckky Kumar, Dhupa Kumari and Rikesh Paswan started abusing and threatened. On 25.04.2020 at about 700 hours informant's brother was going to tie the cow then Anil Paswan started quarreling. Santosh Paswan Manoj Paswan, Joshi Kumar (petitioner), Lukky Kumar, Shiwanti Devi, Usha Devi and Dhupa Kumari came with *lathis* in their hands. Anil Paswan went to his house and brought a tharnet and shot a bullet to Pappu. Pappu had fallen down. After hearing firing of bullet sound when people came it was seen that Anil Paswan was showing a thranet and was abusing and was threatening to kill everyone. The informant's brother was taken to hospital but he had died on the way. While running accused persons assaulted maternal grand father and *mausera*-brother of the informant.
3. Ld. Counsel for the petitioner submits that before this application no bail application has been filed on behalf of the petitioner in this court or in any other court. The petitioner is innocent and has committed no offence. The facts in the FIR are distorted and in fact it was the informant side which mounted a murderous attack on the the informant side for which Obara P.S. Case No. 72/20 is registered. No role is attributed to the petitioner in the occurrence and he has been falsely implicated in the case. Co-accused Manoj Paswan has been granted bail by Hon'ble High Court in Cr. Misc. Case No. 12394/21 and Santosh Paswan has been granted bail by the Hon'ble Court in Cr. Misc. Case No. 19510/21. On the grounds of parity, the petitioner also deserve the bail. It is also submitted that petitioner does not have any criminal antecedent.
4. Ld. APP opposes the prayer of bail.

5. Heard, Ld. Counsels and perused the case record. It be mentioned that case of this P.S. Case was committed to the court of sessions with respect to Santosh Paswan, Anil Paswan and Manoj Paswan and they are facing trial in this court in Sessions Trial No. 46/21. I also find that the case of the petitioner has not been committed to this court.

6. To my utter surprise the petitioner prays for bail directly to this court in a session trial record in which he is not an accused as the case of only three accused persons have been committed to this court. I find there is complete negligence. As such, the petition stands rejected with displeasure.

7. Send one copy to Ld. Court below.

Dictated by

Addl. District & Sess. Judge XII,  
Aurangabad (Bihar).