

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

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

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

State of Bihar  
Versus  
Anil Paswan

Learned counsel for the Petitioner- Sri Mukesh Kumar Singh, Ld. Advocate  
Learned counsel for the State- Sri Baban Pd. Singh Ld. Advocate

**Order dated- 17.01.2022**

1. The petitioner seeks bail in connection with Obara P.S. Case No. 71/20 registered for offences punishable under sections 147, 148, 149, 341, 323, 302, 504, 506 IPC and 27 of the Arms Act. Ld. Counsel for the petitioner and Ld. APP heard.
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, 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 (petitioner) started quarreling. Santosh Paswan Manoj Paswan, Joshi Kumar, 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 petitioner is innocent and has committed no offence. Earlier bail petition of the petitioner was dismissed as not pressed. The petitioner is falsely implicated in this case. As a matter of fact, informant side of this case mounted an attacked on the petitioner and his family for which Obra P. S. Case NO. 72/2020 has already been registered. The instant case is a counter case. That the other co-accused Santosh Paswan and Manoj Paswan have been enlarged on bail by the Hon'ble Court. Hence the petitioner be enlarged on bail on any condition as the court so pleases.
4. Ld. APP opposes the prayer of bail.
5. Heard, Ld. Counsels and perused the case record including the original case diary. The informant has supported the case of the prosecution in his re-statement vide para-3 of the case diary. Witness Rameshwar Paswan in para 5 of the case diary names the petitioner at serial no. 1 and so is the case of

witness Kalwati Devi whose statement is found on page 14 of the case diary. On page 15 of the case diary Keshwar Mahto also names the petitioner.

**6.** As held in Kalyan Chandra Sarkar Vs. Rajesh Ranjan and Another (2004) 7SCC 528, the grant or refusal of bail also depends upon nature of accusation and severity of the punishment in case of conviction.

**7.** Thus taking para 5 and 6 together of this order, in my opinion the petitioner does not deserve the bail. Ex-consequenti the bail petition filed by the petitioner dated 15.01.2022, stands rejected.

Dictated by

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