

IN THE COURT OF MR. BRAJESH KUMAR SINGH
Additional Sessions Judge-VI, Danapur, Patna

SESSION TRIAL NO. 199 of 2022

(Arising out of Naubatpur P.S Case No. 240/2021)

In the matter of: -

CHANDAN PASWAN

.....ACCUSED PERSON

Versus

THE STATE OF BIHAR

...PROSECUTION

ORDER

25-06-2022

Appearance for the Parties:

Shri Nitish Kumar, Ld. Advocate for the Accused- Chandan Paswan.

Shri Ramkeshwar Prasad, Ld. Addl.P.P for the Prosecution/State of Bihar

(1) The Accused- Petitioner, namely **Chandan Paswan**, aged about- 25 years, S/O- Shri Sanjay Paswan, R/O- Village- Chak Chechual, P.S.- Naubatpur, District- Patna has filed bail application u/s 439 Cr.P.C. seeking bail in as much as he is in judicial custody since 23.12.2021 in the FIR bearing Naubatpur P.S Case No. 240/2021 alleging the commission of offences punishable U/S- 147,148,149,341,323, 324 and 307 of the IPC. It is not the out of place to highlight that the Petitioner declared, in para no. 3 of the bail petition that he has got clean antecedents.

(2) The prosecution story initiated with the lodgment of a written report by one, Anil Paswan ('Informant') on 26/04/2021 before the SHO of the Naubatpur P.S. alleging therein that on 19-04-2021, when the Informant was sitting at community hall near his house, then all of sudden, the Petitioner- Accused- Chandan Kumar with other 5 (five) co-accused persons came there having variously armed with garasa-farsa and thereafter assaulted the Informant, due to which assaults the Informant

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got four(4) cut injuries upon his person, and was admitted to the hospital for treatment.

(3) I have heard the counsels of the Petitioner-Accused person and the Addl. P.P for the state. Ld. Counsel for the Petitioners submitted that this is false and fabricated case against the Petitioner, whereas the Addl PP submitted that the Petitioner is directly named in the FIR. I have perused the records and documents filed by the both parties.

(4) From the perusal of records, it is manifest that the Petitioner is the accused no. 1 out of total 6 (six) accused persons, and the incident has taken place due to dispute in the game of playing cards(taash). The other co-accused persons were already granted bail vide order dated 07-08-2021 in B.P. No. 591 of 2021 (Kriti Paswan) and order dated 19-05-2022 in B.P. No. 350 of 2022 (Shrawan Paswan, Tutu Paswan, Tarkeshwar Paswan) by Ld. ADJ-1. But, the allegations against this Petitioner- Chandan Kumar is specific as per the statement of witness- Vinay Paswan (Para 6 of the case diary) and Bheem Paswan (Para 8 of the case diary) that he used garasa to give deadly blow to the informant. It is relevant to highlight that the case of Chandan Paswan is distinguishable and different from Shrawan Paswan, Tutu Paswan, Tarkeshwar Paswan and Kriti Paswan. Also, the injuries on the persons are attributable to the accused- Chandan Kumar, for which the Informant was treated in the PMCH. In such circumstances, I reject the prayer of the bail as prayed by the aforesaid accused- Chandan Paswan.

Bail Petition preferred by the Accused- Chandan Paswan is dismissed.

(5) Deposition writer is directed to upload the scanned copy of this order on the website immediately.

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- (6) It is made clear that nothing said above shall have bearing on the merits of the case in trial.
- (7) Put up this case for Prosecution evidence on 18.08.2022. O/C is directed to issue summons against the PWs immediately.



B Singh
25/06/22

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27-06-2022

Present: None for the Petitioner - Accused
: Ramkeshwar Prasad, Ld. Addl. P.P for the state

While going through the order dated 25/06/2022, it was revealed that 'Danapur P.S. case no. 765 of 2021' was recorded, instead of 'Naubatpur P.S. case no. 240/2021' in the foot note of the order dated 25/06/2022 inadvertently, hence u/s-362 Crpc, let this clerical mistake be corrected by substituting 'Danapur P.S. case no. 765 of 2021' with 'Naubatpur P.S. case no. 240/2021'. This correction is ordered suo-motu u/s-362 Crpc.

Bm
A.D. - VI
27/06/22