

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27143 of 2018

Arising Out of PS.Case No. -66 Year- 2017 Thana -GHOSBARI District- PATNA

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1. Ramu Paswan Son of Shankar Paswan Resident of Village Samachak,
P.S. Barbiga, District Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap

For the Opposite Party/s : Mr. Sri Ramesh Chandra

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 07-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the Informant is also present.

The petitioner is in custody since 22.10.2017 in connection with Ghoswari P.S. Case No. 66 of 2017 for the offence registered under Sections 302, 120(B), 201/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the entire allegation against the petitioner is false and fabricated and he is merely a *Munshi* of the deceased, who had accompanied the deceased for getting labour, and, therefore, such allegation that he had taken the deceased would not alone suffice to implicate the petitioner in connection with the present case. He, thus, submits



that the petitioner may be extended the privilege of bail.

Learned counsel for the informant, however, opposes the application stating that the petitioner is not entitled to privilege of bail, as he had actively participated in the occurrence which led to the murder of the deceased and on the basis of his confessional statement made before the police, the petitioner has been found to be responsible for not only taking the deceased but also actively conniving with other accused persons to give shape to the offence and murder of the deceased. He further submits that consequent to the confessional statement made before the police by the petitioner, the motorcycle, in which they had traveled, has been recovered as indicated by the petitioner. Therefore, in view of the recovery, the confessional statement can be considered to be a valid piece of evidence for proceeding against the petitioner.

Learned counsel appearing on behalf of the State, after perusal of the case diary which had been earlier called for, also indicates that the petitioner had been communicating with other co-accused persons with his phone and thereafter, the confessional statement also led to the recovery, and therefore, the petitioner is not entitled to the benefit of bail.

Having considered the entire facts and circumstances of the case including the submissions of the parties, I find that the



petitioner had apparently some role to play in the conspiracy which led to the murder of the deceased. As such, the prayer for bail of the petitioner is rejected.

However, trial of the case may be expedited and it shall be open for the petitioner to renew his prayer for bail after framing of charge.

(Anjana Mishra, J)

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