

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9371 of 2022**

Arising Out of PS. Case No.-182 Year-2021 Thana- DINARA District- Rohtas

1. Shyambihari Paswan Son of Sindhu Paswan R/O Village- Kaniyari, P.S.- Dinara (Bhanas), District- Rohtas At Sasaram
2. Manbodh Paswan Son of Shyam Bihari Paswan R/O Village- Kaniyari, P.S.- Dinara (Bhanas), District- Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 11118 of 2022**

Arising Out of PS. Case No.-182 Year-2021 Thana- DINARA District- Rohtas

Kamlesh Paswan Son of Late Ghuru Paswan @ Umashankar Paswan  
Resident of Village - Ubadhi, P.s.- Karahgar Badhari, Distt.- Rohats.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 9371 of 2022)

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

(In CRIMINAL MISCELLANEOUS No. 11118 of 2022)

For the Petitioner/s : Mr. Bindeswari Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

5      08-08-2022

**Cr. Misc. No. 9371 of 2022**

Heard learned counsel appearing on behalf of the  
petitioners and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.



The petitioners seek bail in connection with Dinara (Bhanas O.P.) P.S. Case No. 182 of 2021 registered for the offence under Sections 302 and 201 and 120(B) of Indian Penal Code.

The accused/petitioners are named in the F.I.R., where petitioner no.1 is in custody since 06.10.2021 and petitioner no.2 is in custody since 17.09.2021.

The allegation against the petitioners is to commit murder of husband of the informant, alongwith other co-accused persons, due to previous enmity, where dead body of the deceased was found in the field of one Hari Shankar Pandey.

Learned counsel appearing on behalf of the petitioners submitted that informant is not the eye witness of the occurrence, as per the F.I.R. It is submitted that allegation, as regard to assault causing death of the husband of the informant, is very much general and omnibus. It is submitted that nothing surfaced during the course of investigation, which may incriminate the petitioners with the present set of occurrence and name of the petitioners surfaced in this case only on the basis of suspicion and local village politics. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such,



there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail, fairly conceded that informant is not the eye witness of the occurrence.

In view of the facts and circumstances, as mentioned above, as informant is not the eye witness of the occurrence, where nothing surfaced during the course of investigation, which may connect the petitioners, *prima facie*, with the alleged set of occurrence coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Dinara (Bhanas O.P.) P.S. Case No. 182 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IX, Sasaram, Rohtas, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

**Cr. Misc. No. 11118 of 2022**

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Dinara



(Bhanas O.P.) P.S. Case No. 182 of 2021 registered for the offence under Sections 302 and 201 and 120(B) of Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 27.10.2021.

The allegation against the petitioner is to commit murder of husband of the informant, alongwith other co-accused persons, due to previous enmity, where dead body of the deceased was found in the field of one Hari Shankar Pandey.

Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence, as per the F.I.R. It is submitted that name of the petitioner surfaced in the present case on the confessional statement of co-accused, namely, Manbodh Paswan, due to local village issues and, in furtherance of which, nothing incriminating surfaced during the course of investigation, which may connect the petitioner with the present set of occurrence. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while



opposing the prayer for bail, fairly conceded that informant is not the eye witness of the occurrence.

In view of the facts and circumstances, as mentioned above, as informant is not the eye witness of the occurrence, where nothing surfaced during the course of investigation, which may connect the petitioner, *prima facie*, with the alleged set of occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dinara (Bhanas O.P.) P.S. Case No. 182 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Rohtas at Sasaram/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Ankit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

