

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9594 of 2022

Arising Out of PS. Case No.-555 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Varun Kumar @ Varun Paswan S/o Late Lalbahadur Paswan R/o village-
Basanta Jahanabad, P.S.- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15800 of 2022

Arising Out of PS. Case No.-555 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Pankaj Kumar @ Pankaj Sah Son of Shiv Kumar Sah @ Shiv Kumar Gupta
Resident of Village - Ghataro (Ghataro Chaturbhuj), P.s.- Kartaha, Distt.-
Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9594 of 2022)

For the Petitioner/s : Mr.Dilip Kumar Singh

For the Opposite Party/s : Mr.Jagdhar Prasad

(In CRIMINAL MISCELLANEOUS No. 15800 of 2022)

For the Petitioner/s : Mr.Anish Chandra

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-11-2022

Cr. Misc. No. 9594 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Hajipur



Sadar P.S. Case No. 555 of 2019 registered for the offence under Section 302 of the Indian Penal Code and under Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 22.11.2021.

The allegation against the petitioner is to commit murder of the son of informant, alongwith other co-accused persons by causing fire arm injuries.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of self-confession, while apprehended in Lalganj P.S. Case No. 44 of 2020. It is submitted that in furtherance of self-confession, nothing surfaced during the course of investigation, which may incriminate this petitioner with present set of occurrence/murder. It is submitted that as petitioner found involved in 7 more criminal cases, where he is on bail and mere on the basis of suspicion arises out of said criminal antecedents, the petitioner named in present case also, whereas same is of no bearing over the merit of this case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP, while opposing the prayer of bail, fairly conceded that petitioner was not named in F.I.R.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation to connect this petitioner with present set of occurrence/murder, in furtherance of self-confession coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 555 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”



Cr. Misc. No. 15800 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel 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 Hajipur Sadar P.S. Case No. 555 of 2019 registered for the offence under Section 302 of the Indian Penal Code and under Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 22.11.2021.

The allegation against the petitioner is to commit murder of the son of informant, alongwith other co-accused persons by causing fire arm injuries.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Varun Kumar@Varun Paswan, where in furtherance of no incriminating recovered/surfaced during the course of investigation, which may connect this petitioner, *prima facie*, with present set of occurrence/murder. It is submitted that as petitioner found involved in 7 more criminal cases, where he is



on bail and mere on the basis of suspicion arises out of said criminal antecedents, the petitioner named in present case also, whereas same is of no bearing over the merit of this case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner was not named in F.I.R.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation to connect this petitioner, *prima facie*, with present set of occurrence/murder coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 555 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be



allowed by the Trial Court, only on medical ground
of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be
deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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