

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13769 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RAM BABU KUMAR @ RAM BABU RAI, Son of Singheshwar Ray
Resident of Ward No. 7, Village- Baghi, P.S.- Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 17930 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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JAINATH KUMAR PASWAN @ JAYNATH PASWAN @ GOPAL PASWAN
@ GOPI, Son of Muneshwar Paswan R/o Village - Chakasraf, P.S.- Mufassil,
District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 19082 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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GAURAV NIKHIL, S/o Lalan Kumar Singh R/o village- Bela Gopi, Ward
No. 07, P.S.- Gayghat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24759 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

DEEPAK KUMAR PASWAN, Son of Late Shatrughan Paswan @ Shatrudhan
Paswan Resident of Village - Nikaspur, Ward no.11, P.s.- Ujiyarpur, Distt.-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 13769 of 2022)

For the Petitioner/s : Mr.Kundan Kumar

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

(In CRIMINAL MISCELLANEOUS No. 17930 of 2022)

For the Petitioner/s : Ms.Aprajita

Mr. Animesh Kumar

Dr. Rachna Chauhan

For the Opposite Party/s : Mr.Raj Kishore Singh

(In CRIMINAL MISCELLANEOUS No. 19082 of 2022)

For the Petitioner/s : Mr.Barj Kishore Sharma

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

(In CRIMINAL MISCELLANEOUS No. 24759 of 2022)

For the Petitioner/s : Ms.Aprajita

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR



ORAL ORDER

3 08-08-2022 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in connection with Samastipur Mufassil P.S. Case No. 363 of 2021, registered for the offences punishable under Section 394 of the Indian Penal Code.

As per allegation, when the informant was counting the money earned through sale of gas cylinder in his office, two persons entered in his office and started firing upon him, one of which hit his right palm and one hit his stomach. Resultantly, he fell down and thereafter he was admitted to the hospital.

The learned counsel for the petitioners submits that petitioners are innocent and falsely been implicated in this case. He further submits that the petitioners are not named in the FIR and their names have emerged only on the basis of confessional statement of co-accused, which has no legal sanctity. It has further been stated that one motor-cycle has been recovered from one Manish Kumar Singh, but the same has not been mentioned in the FIR. The particulars of the



motor-cycle has come as improvement of the criminal case by the prosecution.

The petitioner of Cr. Misc. No. 13769 of 2022 has been languishing in jail since 06.09.2021.

The petitioners of Cr. Misc. No. 24759 of 2022, Cr. Misc. No. 17930 of 2022 and Cr. Misc. No. 19082 of 2022 have been languishing in jail since 25.11.2021.

It is also stated in paragraph no. 2 of the petitions that petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition, namely, Cr. Misc. No. 13769 of 2022, that the petitioner has earlier been made accused in two other cases, namely, Dalsinghsarai P.S. Case No. 243 of 2021 and Muffasil P.S Case No. 369 of 2021.

It has further been stated in paragraph no. 3 of the petition, namely, Cr. Misc. No. 24759 of 2022, that the petitioner has earlier been made accused in two other cases, namely, Dalsinghsarai P.S. Case No. 243 of 2021 and Samastipur Muffasil P.S Case No. 369 of 2021.



It has further been stated in paragraph no. 3 of the petition, namely, Cr. Misc. No. 17930 of 2022, that the petitioner has earlier been made accused in four other cases, namely, Dalsinghsarai P.S. Case No. 243 of 2021, Samastipur Muffasil P.S Case No. 369 of 2021, Pusa P.S. Case No. 57 of 2020 and Mufassil P. S. Case No. 323 of 2020.

It has further been stated in paragraph no. 3 of the petition, namely, Cr. Misc. No. 19082 of 2022, that the petitioner has earlier been made accused in three other cases, namely, Dalsinghsarai P.S. Case No. 243 of 2021, Samastipur Muffasil P.S Case No. 369 of 2021 and Tajpur P.S. Case No. 279 of 2021.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Samastipur in Cr. Misc. No. 13769 of 2022 and to the satisfaction of learned ACJM-II, Samastipur in Cr. Misc. No. 24759 of 2022, Cr. Misc. No. 17930 of 2022 and Cr. Misc. No. 19082 of 2022, in connection with Mufassil P.S. Case No. 363 of 2021, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel



the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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