

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15775 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Jainath Kumar 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. 13357 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Ram Babu Kumar @ Ram Babu Rai Son of Sri Singheshwar Ray R/O
Village- Baghi Ward No.-7, P.S.- Samastipur (M), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19376 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- DALSINGHSARAI District- Samastipur

GAURAV NIKHIL S/o Lalan Kumar Singh Resident of Village- Bela Gopi,
Ward No.7, P.S.- Gayghat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23186 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Deepak Kumar Paswan Son of Late Shatrughan Paswan @ Shatrudhan
Paswan R/O Village- Nikaspur, Ward No.-11, P.S.- Ujiyarpur, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31622 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- DALSINGHSARAI District- Samastipur

RAM KUMAR SINGH @ CHHOTU S/o Nagendra Singh R/o village-
Rampur Pohiyar, P.S.- Deshri (Sahdai O.P.), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15775 of 2022)

For the Petitioner/s : Ms.Aprajita

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

(In CRIMINAL MISCELLANEOUS No. 13357 of 2022)

For the Petitioner/s : Mr.Mukesh Kumar No1

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

(In CRIMINAL MISCELLANEOUS No. 19376 of 2022)

For the Petitioner/s : Mr.Barj Kishore Sharma

For the State : Mr. Anil Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 23186 of 2022)

For the Petitioner/s : Ms.Aprajita

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

(In CRIMINAL MISCELLANEOUS No. 31622 of 2022)

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-08-2022 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
Dalsinghsarai P.S. Case No. 243 of 2021 registered for the
offence under Sections 394 and 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 21.10.2021.

The allegation against the petitioner is to commit robbery along with other co-accused persons and while committing so taken away cash of Rs. 4,25,000/- from Sunil Kumar Rai, while opposing the occurrence, firing was made by accused persons causing death of two(2) persons, namely, Sunil Kumar Rai and Mohd. Pappu @ Md. Anisul Rahman.

Learned counsel appearing on behalf of the petitioner submitted that name of the FIR surfaced on the basis of confessional statement of one Manish Kumar Singh, who found suspect as regard to this occurrence from the CCTV footage. It is submitted that informant is appearing eye-witness of this occurrence and under the circumstances, considering the gravity of the occurrence, he must to join TIP but same was not conducted during the course of investigation. It is also submitted that recovery of cash Rs. 5100/- and one loaded country made pistol along with one live cartridge, is not suggesting anything on this subject, which may connect petitioner with the present set of occurrence. It is further submitted that merely on the basis of suspicion as petitioner having of some criminal antecedents,



he has been implicated in present case also. 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 is not named in the FIR and TIP was not conducted during course of investigation.

Considering the facts and circumstances as mentioned above, as petitioner was not put on TIP, and recovered items not connecting, *prima facie*, petitioner with occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dalsinghsarai P.S. Case No. 243 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 A.C.J.M. Ist, Dalsinghsarai, Samastipur/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be Muneshwar Paswan, who is the father of the petitioner and deponent of the present bail petition.”

Cr. Misc. No. 23186 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 Dalsinghsarai P.S. Case No. 243 of 2021 registered for the offence under Sections 394 and 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 21.10.2021.

The allegation against the petitioner is to commit robbery along with other co-accused persons and while



committing so taken away cash of Rs. 4,25,000/- from Sunil Kumar Rai, while opposing the occurrence, firing was made by accused persons causing death of two(2) persons, namely, Sunil Kumar Rai and Mohd. Pappu @ Md. Anisul Rahman.

Learned counsel appearing on behalf of the petitioner submitted that name of the FIR surfaced on the basis of confessional statement of one Manish Kumar Singh, who found suspect as regard to this occurrence from the CCTV footage. It is submitted that informant is appearing eye-witness of this occurrence and under the circumstances, considering the gravity of the occurrence, he must to join TIP but same was not conducted during the course of investigation. It is also submitted that recovery of cash Rs. 3100/-, is not suggesting anything on this subject, which may connect petitioner with the present set of occurrence. It is further submitted that merely on the basis of suspicion as petitioner having of some criminal antecedents, he has been implicated in present case also. 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 is not named in the FIR and TIP was



not conducted during course of investigation.

Considering the facts and circumstances as mentioned above, as petitioner was not put on TIP, and recovered items not connecting, *prima facie*, petitioner with occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dalsinghsarai P.S. Case No. 243 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 A.C.J.M. Ist, Samastipur/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall



be Bhulli Devi, who is the mother of the petitioner and deponent of the present bail petition.”

Cr. Misc. No.19376 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 Dalsinghsarai P.S. Case No. 243 of 2021 registered for the offence under Sections 394 and 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 21.10.2021.

The allegation against the petitioner is to commit robbery along with other co-accused persons and while committing so taken away cash of Rs. 4,25,000/- from Sunil Kumar Rai, while opposing the occurrence, firing was made by accused persons causing death of two(2) persons, namely, Sunil Kumar Rai and Mohd. Pappu @ Md. Anisul Rahman.

Learned counsel appearing on behalf of the petitioner submitted that name of the FIR surfaced on the basis of



confessional statement of one Manish Kumar Singh, who found suspect as regard to this occurrence from the CCTV footage. It is submitted that informant is appearing eye-witness of this occurrence and under the circumstances, considering the gravity of the occurrence, he must to join TIP but same was not conducted during the course of investigation. It is also submitted that recovery of cash Rs. 21,500/-, is not suggesting anything on this subject, which may connect petitioner with the present set of occurrence. It is further submitted that merely on the basis of suspicion as petitioner having of some criminal antecedents, he has been implicated in present case also. 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 is not named in the FIR and TIP was not conducted during course of investigation.

Considering the facts and circumstances as mentioned above, as petitioner was not put on TIP, and recovered items not connecting, *prima facie*, petitioner with occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Dalsinghsarai P.S. Case No. 243 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 A.C.J.M. Ist, Samastipur/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be Lalan Kumar Singh, who is the father of the petitioner and deponent of the present bail petition.”

Cr. Misc. No. 13357 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 Dalsinghsarai P.S. Case No. 243 of 2021 registered for the offence under Sections 394 and 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 21.10.2021.

The allegation against the petitioner is to commit robbery along with other co-accused persons and while committing so taken away cash of Rs. 4,25,000/- from Sunil Kumar Rai, while opposing the occurrence, firing was made by accused persons causing death of two(2) persons, namely, Sunil Kumar Rai and Mohd. Pappu @ Md. Anisul Rahman.

Learned counsel appearing on behalf of the petitioner submitted that name of the FIR surfaced on the basis of confessional statement of one Manish Kumar Singh, who found suspect as regard to this occurrence from the CCTV footage. It is submitted that informant is appearing eye-witness of this occurrence and under the circumstances, considering the gravity of the occurrence, he must to join TIP but same was not conducted during the course of investigation. It is also submitted



that recovery of cash of Rs. 15,800/- and one mobile, is not suggesting anything on this subject, which may connect petitioner with the present set of occurrence. It is further submitted that merely on the basis of suspicion as petitioner having of some criminal antecedents, he has been implicated in present case also. 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 is not named in the FIR and TIP was not conducted during course of investigation.

Considering the facts and circumstances as mentioned above, as petitioner was not put on TIP, and recovered items not connecting, *prima facie*, petitioner with occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dalsinghsarai P.S. Case No. 243 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 A.C.J.M. Ist, Samastipur/concerned court, subject to the following conditions:



“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be Singheshwar Ray, who is the father of the petitioner and deponent of the present bail petition.”

Cr. Misc. No. 31622 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 Dalsinghsarai P.S. Case No. 243 of 2021 registered for the offence under Sections 394 and 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 21.10.2021.

The allegation against the petitioner is to commit robbery along with other co-accused persons and while committing so taken away cash of Rs. 4,25,000/- from Sunil Kumar Rai, while opposing the occurrence, firing was made by accused persons causing death of two(2) persons, namely, Sunil Kumar Rai and Mohd. Pappu @ Md. Anisul Rahman.

Learned counsel appearing on behalf of the petitioner submitted that name of the FIR surfaced on the basis of confessional statement of one Manish Kumar Singh, who found suspect as regard to this occurrence from the CCTV footage. It is submitted that informant is appearing eye-witness of this occurrence and under the circumstances, considering the gravity of the occurrence, he must to join TIP but same was not conducted during the course of investigation. It is also submitted that recovery of one country made pistol along with one live cartridge, is not suggesting anything on this subject, which may connect petitioner with the present set of occurrence. It is further submitted that merely on the basis of suspicion as petitioner having of some criminal antecedents, he has been



implicated in present case also. 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 is not named in the FIR and TIP was not conducted during course of investigation.

Considering the facts and circumstances as mentioned above, as petitioner was not put on TIP, and recovered items not connecting, *prima facie*, petitioner with occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dalsinghsarai P.S. Case No. 243 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 A.C.J.M. Ist, Samastipur/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be Anshu Kumari, who is the sister of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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