

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25168 of 2022

Arising Out of PS. Case No.-526 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Sanjay Kumar Paswan @ Sanjay Kumar S/o Dilip Paswan @ Deelip Paswan
R/o village- Kutubpur Dumari, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34887 of 2022

Arising Out of PS. Case No.-526 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Raju Mandal @ Irshad Alam Son Of Md. Abul Hassan Resident Of Nayaganj,
P.S.- Desari, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 25168 of 2022)

For the Petitioner/s : Mr. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 34887 of 2022)

For the Petitioner/s : Mr. Ranjan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners are permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail in a case registered for the



offences punishable under Sections 302, 394 of Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, on 03.06.2021, three accused person riding on motorcycle intercepted to the motorcycle of Vikash Kumar and shot to him and after that aforesaid miscreants fled away with motorcycle of Vikash Kumar with one tab, one biometric and Rs. 1,75,000/- which was kept in the dicky of said motorcycle.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case in fact the petitioners are not named in the F.I.R. and the name of the petitioners have been transpired on the basis of confessional statement of the co-accused persons namely Suraj Patel and Sanjay Kumar Paswan and self confessional statement of the petitioners and nothing have been recovered from the conscious possession of the petitioners save and accept the confessional statement of the co-accused person. He further further submits that no cogent material has surfaced during investigation against these petitioners and till date no T.I.P. is conducted by the prosecution and the co-accused persons namely Suraj Kumar @ Suraj Paswan and Amresh Kumar Singh have been granted bail order dated 18.07.2022 and



order dated 25.07.2022 passed in Cr. Misc. No. 16193 of 2022 and Cr. Misc. No. 12113 of 2022 and another accused person namely Chandan Kumar Singh has been granted bail order dated 26.07.2022 passed in Cr. Misc. No. 8779 of 2022 and the police after investigation submitted the charge sheet against these petitioners and the petitioner namely Sanjay Kumar Paswan is in custody since 30.09.2021 and petitioner namely Raju Mandal @ Irshad Alam is in custody since 21.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1 namely Sanjay Kumar Paswan carries three criminal antecedents and petitioner no.2 namely Raju Mandal @ Irshad Alam carries two more criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Hajipur Sadar P.S. Case No. 526 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

V.srivastava/-

U		T	
---	--	---	--



