

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.5131 of 2022**

Arising Out of PS. Case No.-194 Year-2020 Thana- SAMASTIPUR District- Samastipur

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Ramjeevan Kumar Paswan Son of Late Rajo Paswan R/O Village- Shitalpatti,  
P.S.- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with  
**CRIMINAL MISCELLANEOUS No. 29460 of 2022**

Arising Out of PS. Case No.-194 Year-2020 Thana- SAMASTIPUR District- Samastipur

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Amarjeet Jha Son of Shri Bijay Jha @ Vijay Kumar Jha R/O Village- Harpur  
Aloth, P.S.- Musarigharari, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 5131 of 2022)

For the Petitioner/s                      Mr. Ajay Kumar Thakur, Advocate

:                      Mr. Shivam, Advocate

For the State                                :                      Mr. Tarun Prasad Mandal, APP

(In CRIMINAL MISCELLANEOUS No. 29460 of 2022)

For the Petitioner/s                      :                      Mr. Ajay Kumar Thakur, Advocate

:                      Mr. Nilesh Kumar, Advocate

For the State                                :                      Mr. Navin Kumar Pandey, APP

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

4      19-09-2022

**Cr. Misc. No. 5131 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 Town P.S. Case No. 194 of 2020 registered for the offence under Sections 302, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 09.09.2021.

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

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of self confession and also on confessional statement of co-accused, namely, Arun Kumar @ S.P. Yadav and in furtherance thereof, nothing incriminating surfaced during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of occurrence. It is further submitted that informant is not the eye witness of the occurrence and as this petitioner was found roaming, as per CCTV footage, around the place of occurrence, has been implicated falsely in the present case. 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 of bail, fairly conceded that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced during the course of investigation, which may connect the petitioner, *prima facie*, with the present 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 Town P.S. Case No. 194 of 2020 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, Samastipur/concerned Court, subject to the following conditions:

“(i) That accused/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) That 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 Ram Pravesh Paswan, who is the brother of the petitioner and deponent of the present bail petition.”

**Cr. Misc. No. 29460 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 Samastipur (Nagar) P.S. Case No. 194 of 2020 registered for the offence under Sections 302, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in



custody since 09.09.2021.

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

Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence. It is submitted that allegation of firing against the petitioner is very much general and omnibus. It is submitted that maximum allegation, against this petitioner, is to advance threat as not to lodge case. It is further submitted that petitioner has been made accused in this case only due to his criminal antecedents, as he is found involved in nine criminal cases, where he is on bail in all cases. 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 of 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 allegation of firing, against this petitioner, is very much



general and omnibus 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 Samastipur (Nagar) P.S. Case No. 194 of 2020 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, Samastipur/concerned Court, subject to the following conditions:

“(i) That accused/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) That 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  
Vijay Kumar Jha, who is the father of the  
petitioner and deponent of the present bail  
petition.”

**(Chandra Shekhar Jha, J)**

Ankit/-

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