

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39093 of 2021

Arising Out of PS. Case No.-461 Year-2020 Thana- NAUBATPUR District- Patna

Rakesh Paswan @ Lalu S/o - Devendra Paswan R/o Village- Karanja, P.S.-
Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41034 of 2021

Arising Out of PS. Case No.-461 Year-2020 Thana- NAUBATPUR District- Patna

Khushwant Kumar Son of Kul Shekhar Sharma Resident of Village-
Alipur,P.O.- Karanja, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47120 of 2021

Arising Out of PS. Case No.-461 Year-2020 Thana- NAUBATPUR District- Patna

Bigan Manjhi Son of Late Jugal Manjhi Resident of Village - Badi Tengraila
(Mushari), P.S. - Naubatpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39093 of 2021)

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

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 41034 of 2021)

For the Petitioner/s : Ms. Priyanka Singh, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 47120 of 2021)

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA



ORAL ORDER

13 28-09-2022

Cr. Misc. No. 41034 of 2021

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 Naubatpur P.S. Case No. 461 of 2020 registered for the offence under Sections 302 and 120(B) of the Indian Penal Code and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 04.02.2021.

The allegation against the petitioner is to commit murder of father of the informant, by causing fire arm injuries, alongwith other co-accused persons for previous enmities, arises out of pending litigation.

Learned Senior counsel, Mr. Y.C. Verma, appearing on behalf of the petitioner submitted that allegation of firing over the chest of father of the informant is specific against co-accused Santosh Kumar. It is further submitted that the occurrence is founded over enmities arises out of different criminal and civil proceedings. It is further pointed that mere on the basis of mobile tower location, petitioner cannot be



implicated. It is also submitted that similarly situated co-accused, namely, Kul Shekhar Sharma has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 38119 of 2021 vide order dated 06.12.2021. 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, duly assisted by learned counsel appearing on behalf of informant, Mr. Sachidanand Choudhary submitted that presence of petitioner on the spot, duly noticed by informant, which is sufficient to gather that petitioner actively participated in present occurrence, however, conceded that allegation of firing is specific against co-accused Santosh Kumar.

Considering the facts and circumstances as mentioned above, as allegation of firing is specific against co-accused Santosh Kumar, not against this petitioner 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 Naubatpur P.S. Case No. 461 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 A.C.J.M.-III, Danapur, Patna/concerned court, subject to the following conditions:

“(i) That the accused/petitioner shall co-operate in trial and not seek adjournment on whatsoever ground, before framing of charge.

(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 Jain Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

Cr. Misc No. 47120 of 2021

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 Naubatpur P.S. Case No. 461 of 2020 registered for the offence under Sections 302 and 120(B) 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 25.01.2021.

The allegation against the petitioner is to commit murder of father of the informant, by causing fire arm injuries, alongwith other co-accused persons for previous enmities, arises out of pending litigation.

Learned Senior counsel, Mr. Y.C. Verma, appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused Rakesh Paswan @ Lallu, where nothing surfaced/recovered during the course of investigation to connect this petitioner, *prima facie*, with present set of occurrence. It is further submitted that specific allegation of firing is against co-accused Santosh Kumar, not against this petitioner. It is further



submitted that despite of claiming, as an eye witness, the petitioner was not put on TIP. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, duly assisted by learned counsel appearing on behalf of informant, Mr. Sachidanand Choudhary submitted that presence of petitioner on the spot, duly noticed by informant, which is sufficient to gather that petitioner actively participated in present occurrence, however, conceded that allegation of firing is specific against co-accused Santosh Kumar.

Considering the facts and circumstances as mentioned above, as allegation of firing is specific against co-accused Santosh Kumar, not against this petitioner 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 Naubatpur P.S. Case No. 461 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 A.C.J.M.-III, Danapur/concerned court, subject to the following conditions:



“(i) That the accused/petitioner shall co-operate in trial and not seek adjournment on whatsoever ground, before framing of charge.

(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 Fulwatiya Devi, who is the pairvikar and wife of the petitioner and deponent of the present bail petition.”

Cr. Misc. No. 39093 of 2021

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



Naubatpur P.S. Case No. 461 of 2020 registered for the offence under Sections 302 and 120(B) 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 28.09.2020.

The allegation against the petitioner is to commit murder of father of the informant, by causing fire arm injuries, alongwith other co-accused persons for previous enmities, arises out of pending litigation.

Learned Senior counsel, Mr. Y.C. Verma, appearing on behalf of the petitioner submitted that the name of petitioner has been given by the informant, where nothing surfaced/recovered during the course of investigation to connect this petitioner, *prima facie*, with present set of occurrence. It is further submitted that specific allegation of firing is against co-accused Santosh Kumar, not against this petitioner. It is further submitted that despite of claiming, as an eye witness, the petitioner was not put on TIP. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP, duly assisted by learned counsel appearing on behalf of informant, Mr. Sachidanand Choudhary submitted that presence of petitioner on the spot, duly noticed by informant, which is sufficient to gather that petitioner actively participated in present occurrence, however, conceded that allegation of firing is specific against co-accused Santosh Kumar.

Considering the facts and circumstances as mentioned above, as allegation of firing is specific against co-accused Santosh Kumar, not against this petitioner 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 Naubatpur P.S. Case No. 461 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 A.C.J.M.-V, Danapur, Patna/concerned court, subject to the following conditions:

“(i) That the accused/petitioner shall co-operate in trial and not seek adjournment on whatsoever ground, before framing of charge.

(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 Kamrawati Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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