

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60027 of 2021**

Arising Out of PS. Case No.-167 Year-2021 Thana- BARAUNI District- Begusarai

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ASHOK KUMAR @ ASHOK KUMAR ROY @ ASHOK YADAV S/O
TANUK YADAV R/o village- Simariya, Simaria Chanan, P.S.- Barauni
(Chakia O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 61509 of 2021

Arising Out of PS. Case No.-167 Year-2021 Thana- BARAUNI District- Begusarai

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MANISH KUMAR S/o Manoj Mahton @ Manoj Rai @ Manoj Ray Resident
of Village- Kiul Garhara, Gachhi Tola, P.S.- Barauni (Gadhara O.P.), District-
Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 32058 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- BARAUNI District- Begusarai

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NITESH KUMAR S/o Sri Ram Prakash Singh Resident of Village- Bihat,
P.S.- F.C.I. Barauni, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 32752 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- BARAUNI District- Begusarai

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SHIVESH KUMAR @ LALAN SINGH SON OF LATE CHANDRA
PRAKASH SINGH R/O VILLAGE- BIHAT, P.S.- BARAUNI (F.C.I.),
DISTRICT- BEGUSARAI

... .. Petitioner/s



Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60027 of 2021)

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.Suman Kumari Singh

(In CRIMINAL MISCELLANEOUS No. 61509 of 2021)

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.A.G.

(In CRIMINAL MISCELLANEOUS No. 32058 of 2022)

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

Ms. Vaishnavi Singh, Advocate

Mr. Vaibhav, Advocate

Mr. Ritwik Thakur, Advocate

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

For the Informant : Mr. Hare Krishna Prasad, Advocate

Mr. Pawan Kumar Chowrasia, Advocate

(In CRIMINAL MISCELLANEOUS No. 32752 of 2022)

For the Petitioner/s : Mr.Udbhav

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 11-08-2022

IN CR. MISC. NO.60027 OF 2021

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State as well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Barauni P.S. Case No. 167 of 2021 registered for the offence under Sections 363, 365, 302, 376(D), 120B/34 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 07.09.2021.



The allegation against the petitioner is to commit murder of the daughter of the informant, after kidnapping and committing rape upon her along with other co-accused person.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Sivesh Kumar @ Lalan. It is also submitted that in furtherance of the said confession nothing incriminating except, blood stained stones, was recovered and that too from open place. It is also submitted that blood stained stones and clothes as found in house of co-accused, failed to suggest any thing incriminating as per FSL report. It is also submitted that finger print report also failed to invite incrimination of petitioner with present set of occurrence. Learned counsel further submitted that mere on the point of suspicion as co-accused were found in conversation with each other over telephone, cannot be said involved in the present case, who are otherwise known to each other. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.



Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that 4 witnesses has already been examined in this case after commencing the trial, where total charge-sheeted witnesses are fifteen (15) in number.

Considering the facts and circumstances as mentioned above, as finger print and FSL report of blood stained clothes failed to invite *prima-facie*, involvement of petitioner, with the present set of allegation/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 Barauni P.S. Case No. 167 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 Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Begusarai, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

The presence of concerned I/O before this Court is dispensed with.

IN CR. MISC. NO.61509 OF 2021

Heard learned counsel for the petitioner and learned counsel for the State as well as learned counsel for the



informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Barauni P.S. Case No. 167 of 2021 registered for the offence under Sections 363, 365, 302, 376(D), 120B/34 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 12.08.2021.

The allegation against the petitioner is to commit murder of the daughter of the informant, after kidnapping and committing rape upon her along with other co-accused person.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Sivesh Kumar @ Lalan. It is also submitted that in furtherance of the said confession nothing incriminating except, blood stained stones, was recovered and that too from open place. It is also submitted that blood stained stones and clothes as found in house of co-accused, failed to suggest any thing incriminating as per FSL report. It is also submitted that finger print report also failed to invite incrimination of



petitioner with present set of occurrence. Learned counsel further submitted that mere on the point of suspicion as co-accused were found in conversation with each other over telephone, cannot be said involved in the present case, who are otherwise known to each other. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that 4 witnesses has already been examined in this case after commencing the trial, where total charge-sheeted witnesses are fifteen (15) in number.

Considering the facts and circumstances as mentioned above, as finger print and FSL report of blood stained clothes failed to invite *prima-facie*, involvement of petitioner, with the present set of allegation/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 Barauni P.S. Case No. 167 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 Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Begusarai, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

The presence of concerned I/O before this Court is dispensed with.

IN CR. MISC. NO.32058 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State as well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Barauni (Garhara) P.S. Case No. 167 of 2021 registered for the offence under Sections 363 and 365 of the Indian Penal Code, in which, subsequently Section 302 of the Indian Penal Code and Section 6 of the POCSO Act, but the charge-sheet was submitted under Sections 363, 365, 302, 364, 376(D), 120(B)/34 of the Indian Penal Code and Section 4 and 6 of the POCSO Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 15.05.2021.

The allegation against the petitioner is to commit



murder of the daughter of the informant, after kidnapping and committing rape upon her along with other co-accused person.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Sivesh Kumar @ Lalan. It is also submitted that in furtherance of the said confession nothing incriminating except, blood stained stones, was recovered and that too from open place. It is also submitted that blood stained stones and clothes as found in house of co-accused, failed to suggest any thing incriminating as per FSL report. It is also submitted that finger print report also failed to invite incrimination of petitioner with present set of occurrence. Learned senior counsel further submitted that mere on the point of suspicion as co-accused were found in conversation with each other over telephone, cannot be said involved in the present case, who are otherwise known to each other. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the



informant, while opposing the prayer of bail, submitted that 4 witnesses has already been examined in this case after commencing the trial, where total charge-sheeted witnesses are fifteen (15) in number.

Considering the facts and circumstances as mentioned above, as finger print and FSL report of blood stained clothes failed to invite *prima-facie*, involvement of petitioner, with the present set of allegation/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 Barauni P.S. Case No. 167 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 Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Begusarai, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

The presence of concerned I/O before this Court is dispensed with.

IN CR. MISC. NO.32752 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State as well as learned counsel for the informant.



Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Barauni (Garhara) P.S. Case No. 167 of 2021 registered for the offence under Sections 363 and 365 of the Indian Penal Code, in which, subsequently Section 302 of the Indian Penal Code and Section 6 of the POCSO Act, but the charge-sheet was submitted under Sections 363, 365, 302, 364, 376(D), 120(B)/34 of the Indian Penal Code and Section 4 and 6 of the POCSO Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 02.05.2021.

The allegation against the petitioner is to commit murder of the daughter of the informant, after kidnapping and committing rape upon her along with other co-accused person.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and name of the petitioner surfaced as he came at the place of occurrence on police call. It is also submitted that nothing incriminating except, blood stained stones, was recovered and that too from open place. It is also submitted that blood stained stones and clothes as found in house of co-accused, failed to suggest anything incriminating as per FSL report. It is also submitted



that finger print report also failed to invite incrimination of petitioner with present set of occurrence. Learned senior counsel further submitted that mere on the point of suspicion as co-accused were found in conversation with each other over telephone, cannot be said involved in the present case, who are otherwise known to each other. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that 4 witnesses has already been examined in this case after commencing the trial, where total charge-sheeted witnesses are fifteen (15) in number.

Considering the facts and circumstances as mentioned above, as finger print and FSL report of blood stained clothes failed to invite *prima-facie*, involvement of petitioner, with the present set of allegation/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 Barauni (Garhara) P.S. Case No. 167 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 Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Begusarai, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

The presence of concerned I/O before this Court is dispensed with.

(Chandra Shekhar Jha, J)

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