

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12415 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- BENIPATTI District- Madhubani

1. Bittu Kumar @ Bittu Kumar Pandit @ Subham Kumar @ Shubham Son of Uttim Pandit Resident of Village- Benipatti, P.S.- Benipatti, District- Madhubani.
2. Pawan Kumar Pandit @ Pawan Deo Pandit @ Pawan Dev Pandit S/o- Jayprakash Pandit Resident of Village- Benipatti, P.S.- Benipatti, District- Madhubani.
3. Deepak Kumar Pandit S/o Ramprakash Pandit Resident of Village- Benipatti, P.S.- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13534 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- BENIPATTI District- Madhubani

Raushan Kumar Sah Son of Lalan Sah Resident of Village- Benipatti, P.S.- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13714 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- BENIPATTI District- Madhubani

Manish Kumar son of ajay sah resident of village- lohiya chowk benipatti, p.s. - Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s



with
CRIMINAL MISCELLANEOUS No. 14278 of 2022
Arising Out of PS. Case No.-243 Year-2021 Thana- BENIPATTI District- Madhubani
=====

Manoj Kumar Choudhary son of dharm narayan choudhary resident of
village- jamuari, p.s.- Arer, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s
=====

with
CRIMINAL MISCELLANEOUS No. 18817 of 2022
Arising Out of PS. Case No.-243 Year-2021 Thana- BENIPATTI District- Madhubani
=====

Mahadeo Paswan @ Mahadeo Kumar Paswan Son of Bharat Paswan Resident
Of Village- Brahmpur, P.S. Arer, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s
=====

with
CRIMINAL MISCELLANEOUS No. 20907 of 2022
Arising Out of PS. Case No.-243 Year-2021 Thana- BENIPATTI District- Madhubani
=====

Saroj Yadav son of mr. Harish Chandra Yadav Resident of Village - Manpaur,
P.s.- Benipatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s
=====

with
CRIMINAL MISCELLANEOUS No. 32909 of 2022
Arising Out of PS. Case No.-243 Year-2021 Thana- BENIPATTI District- Madhubani
=====

Purnkala Devi @ Purna Kala Devi Wife of Jayjay Ram Paswan R/O Village-
Atarauli, P.S.- Arer, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 12415 of 2022)

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate
: Mr. Shiv Nandan Bharti, Advocate
For the State : Ms. Renu Kumari, APP
For the Informant : Mr. N.K. Agrawal, Sr. Advocate

(In CRIMINAL MISCELLANEOUS No. 13534 of 2022)

For the Petitioner/s : Mr. Kripa Nand Jha, Advocate
For the State : Mr. Ram Bilash Roy Raman, APP
For the Informant : Mr. N.K. Agrawal, Sr. Advocate
: Mr. Soban Asghar, Advocate

(In CRIMINAL MISCELLANEOUS No. 13714 of 2022)

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the State : Mr. Nityanand Tiwary, APP
For the Informant : Mr. Soban Asghar, Advocate

(In CRIMINAL MISCELLANEOUS No. 14278 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate
: Mr. Nilesh Kumar, Advocate
: Ms. Vaishnavi Singh
: Mr. Ritvik Thakur, Advocate
For the State : Mr. Anil Kumar, APP
For the Informant : Mr. N.K. Agrawal, Sr. Advocate
: Mr. Soban Asghar, Advocate

(In CRIMINAL MISCELLANEOUS No. 18817 of 2022)

For the Petitioner/s : Mr. Gagandeo Yadav
: Mr. Ravi Prakash
: Mr. Vinod Kumar, Advocate
: Mr. Udeshya Kumar Yadav, Advocate
For the State : Ms. Anita Kumari Singh, APP
For the Informant : Mr. Soban Asghar, Advocate

(In CRIMINAL MISCELLANEOUS No. 20907 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate
: Mr. Ritvik Thakur, Advocate
For the State : Mr. Md. Ataur Rahman, APP
For the Informant : Mr. N.K. Agrawal, Sr. Advocate

(In CRIMINAL MISCELLANEOUS No. 32909 of 2022)

For the Petitioner/s : Mr. Gagandeo Yadav, Advocate
: Mr. Ravi Prakash, Advocate
: Mr. Vinod Kumar, Advocate
: Mr. Udeshya Kumar Yadav, Advocate
For the State : Mr. Soban Ashar, APP
For the Informant : Mr. N.K. Agrawal, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 01-08-2022

Cr. Misc. No. 12415 of 2022

Heard learned counsel appearing on behalf of the
petitioners, learned counsel appearing on behalf of the State and



learned senior counsel appearing on behalf of the informant.

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

The petitioners seek bail in connection with Benipatti P.S. Case No. 243 of 2021 registered for the offence under Sections 363, 365 and 120(B) of the Indian Penal Code.

The accused/petitioners are not named in the F.I.R. and are in custody since 15.11.2021.

The allegation against the petitioners is to commit murder of brother of the informant, alongwith other co-accused persons. The deceased a social activist of the locality, working against unauthorized medical centre/nursing home.

Learned counsel appearing on behalf of the petitioners submitted that save and except suspicion and confessional statement, nothing surfaced during the course of investigation, which may incriminate the petitioners with the present set of occurrence. It is also submitted that mere on the ground of mobile tower location, petitioners cannot be connected with the present occurrence and, moreover, confessional statement of co-accused, namely, Purnakala Devi, who is the calyx of implication, also reflect that, she is not the eye witness of the occurrence. While concluding the argument, it is submitted that



petitioners are persons of clean antecedent and, moreover, 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 duly assisted by learned senior counsel appearing on behalf of the informant, while opposing the prayer for bail, fairly conceded that nothing recovered or incriminating surfaced in furtherance of confessional statement.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced, in furtherance of the confessional statement of co-accused, namely, Parnakala Devi, which may connect the petitioners, *prima facie*, with the present occurrence, having clean antecedent, coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Benipatti P.S. Case No. 243 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Benipatti (Madhubani)/concerned Court, subject to the following conditions:

“(i) That accused/petitioners 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 petitioners, duly supported by the documents.

(ii) That one of the bailors shall be Jay Prakash Pandit, who is the father of petitioner no.2 and deponent of the present bail petition.”

Cr. Misc. No. 13534 of 2022

Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State and learned senior counsel appearing on behalf of 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 Benipatti P.S. Case No. 243 of 2021 registered for the offence under Sections 363, 365 and 120(B) of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 15.11.2021.



The allegation against the petitioners is to commit murder of brother of the informant, alongwith other co-accused persons. The deceased a social activist of the locality, working against unauthorized medical centre/nursing home.

Learned counsel appearing on behalf of the petitioner submitted that save and except suspicion and confessional statement, nothing surfaced during the course of investigation, which may incriminate the petitioner with the present set of occurrence. It is also submitted that mere on the ground of mobile tower location, petitioner cannot be connected with the present occurrence and, moreover, confessional statement of co-accused, namely, Purnakala Devi, who is the calyx of implication, also reflect that, she is not the eye witness of the occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 duly assisted by learned senior counsel appearing on behalf of the informant, while opposing the prayer for bail, fairly conceded that nothing recovered or incriminating surfaced in furtherance of confessional statement.



In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced, in furtherance of the confessional statement of co-accused, namely, Parnakala Devi, which may connect the petitioner, *prima facie*, with the present occurrence, having clean antecedent, 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 Benipatti 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 Additional Chief Judicial Magistrate-I, Benipatti, Madhubani/concerned Court, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Rohan Kumar Sah, who is the full brother of



petitioner and deponent of the present bail
petition.”

Cr. Misc. No. 13714 of 2022

Heard learned counsel appearing on behalf of the
petitioner, learned counsel appearing on behalf of the State and
learned senior counsel appearing on behalf of 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 Benipatti
P.S. Case No. 243 of 2021 registered for the offence under
Sections 363, 365 and 120(B) of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 15.11.2021.

The allegation against the petitioners is to commit
murder of brother of the informant, alongwith other co-accused
persons. The deceased a social activist of the locality, working
against unauthorized medical centre/nursing home.

Learned counsel appearing on behalf of the petitioner
submitted that save and except suspicion and confessional
statement, nothing surfaced during the course of investigation,
which may incriminate the petitioner with the present set of
occurrence. It is also submitted that mere on the ground of



mobile tower location, petitioner cannot be connected with the present occurrence and, moreover, confessional statement of co-accused, namely, Purnakala Devi, who is the calyx of implication, also reflect that, she is not the eye witness of the occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 duly assisted by learned senior counsel appearing on behalf of the informant, while opposing the prayer for bail, fairly conceded that nothing recovered or incriminating surfaced in furtherance of confessional statement.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced, in furtherance of the confessional statement of co-accused, namely, Parnakala Devi, which may connect the petitioner, *prima facie*, with the present occurrence, having clean antecedent, 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 Benipatti 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 Additional Chief Judicial Magistrate-I, Benipatti, Madhubani/concerned Court, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Ajay Sah, who is the father of petitioner and deponent of the present bail petition.”

Cr. Misc. No. 14278 of 2022

Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State and learned senior counsel appearing on behalf of 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 Benipatti P.S. Case No. 243 of 2021 registered for the offence under



Sections 363, 365 and 120(B) of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 02.12.2021.

The allegation against the petitioners is to commit murder of brother of the informant, alongwith other co-accused persons. The deceased a social activist of the locality, working against unauthorized medical centre/nursing home.

Learned senior counsel appearing on behalf of the petitioner submitted that save and except suspicion and confessional statement, nothing surfaced during the course of investigation, which may incriminate the petitioner with the present set of occurrence. It is also submitted that mere on the ground of mobile tower location, petitioner cannot be connected with the present occurrence and, moreover, confessional statement of co-accused, namely, Purnakala Devi, who is the calyx of implication, also reflect that, she is not the eye witness of the occurrence. 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 duly assisted by learned senior counsel appearing on behalf of the informant, while opposing the prayer



for bail, fairly conceded that nothing recovered or incriminating surfaced in furtherance of confessional statement.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced, in furtherance of the confessional statement of co-accused, namely, Parnakala Devi, which may connect the petitioner, *prima facie*, with the present 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 Benipatti 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 Additional Chief Judicial Magistrate-I, Benipatti, Madhubani/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 Prabhat Kumar Choudhary, who is the brother-in-law (*Bahnoi*) of petitioner and deponent of the present bail petition.”

Cr. Misc. No. 18817 of 2022

Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State and learned senior counsel appearing on behalf of 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 Benipatti P.S. Case No. 243 of 2021 registered for the offence under Sections 363, 365 and 120(B) of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 21.12.2021.

The allegation against the petitioners is to commit



murder of brother of the informant, alongwith other co-accused persons. The deceased a social activist of the locality, working against unauthorized medical centre/nursing home.

Learned counsel appearing on behalf of the petitioner submitted that save and except suspicion and confessional statement, nothing surfaced during the course of investigation, which may incriminate the petitioner with the present set of occurrence. It is also submitted that mere on the ground of mobile tower location, petitioner cannot be connected with the present occurrence and, moreover, confessional statement of co-accused, namely, Purnakala Devi, who is the calyx of implication, also reflect that, she is not the eye witness of the occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 duly assisted by learned senior counsel appearing on behalf of the informant, while opposing the prayer for bail, fairly conceded that nothing recovered or incriminating surfaced in furtherance of confessional statement.

In view of the facts and circumstances, as mentioned



above, as nothing incriminating surfaced, in furtherance of the confessional statement of co-accused, namely, Parnakala Devi, which may connect the petitioner, *prima facie*, with the present occurrence, having clean antecedent, 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 Benipatti 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 Additional Chief Judicial Magistrate-I, Benipatti, Madhubani/concerned Court, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Bharath Paswan, who is the father of petitioner and deponent of the present bail



petition.”

Cr. Misc. No. 20907 of 2022

Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State and learned senior counsel appearing on behalf of 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 Benipatti P.S. Case No. 243 of 2021 registered for the offence under Sections 363, 365 and 120(B) of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 10.12.2021.

The allegation against the petitioners is to commit murder of brother of the informant, alongwith other co-accused persons. The deceased a social activist of the locality, working against unauthorized medical centre/nursing home.

Learned senior counsel appearing on behalf of the petitioner submitted that save and except suspicion and confessional statement, nothing surfaced during the course of investigation, which may incriminate the petitioner with the present set of occurrence. It is also submitted that mere on the ground of mobile tower location, petitioner cannot be connected



with the present occurrence and, moreover, confessional statement of co-accused, namely, Purnakala Devi, who is the calyx of implication, also reflect that, she is not the eye witness of the occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 duly assisted by learned senior counsel appearing on behalf of the informant, while opposing the prayer for bail, fairly conceded that nothing recovered or incriminating surfaced in furtherance of confessional statement.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced, in furtherance of the confessional statement of co-accused, namely, Parnakala Devi, which may connect the petitioner, *prima facie*, with the present occurrence, having clean antecedent, 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 Benipatti 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 Additional Chief



Judicial Magistrate-I, Benipatti, Madhubani/concerned Court,
subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be
Manoj Kumar Yadav, who is the brother of
petitioner and deponent of the present bail
petition.”

Cr. Misc. No. 32909 of 2022

Heard learned counsel appearing on behalf of the
petitioner, learned counsel appearing on behalf of the State and
learned senior counsel appearing on behalf of 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 Benipatti
P.S. Case No. 243 of 2021 registered for the offence under



Sections 363, 365 and 120(B) of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 15.11.2021.

The allegation against the petitioners is to commit murder of brother of the informant, alongwith other co-accused persons. The deceased a social activist of the locality, working against unauthorized medical centre/nursing home.

Learned counsel appearing on behalf of the petitioner submitted that save and except suspicion and confessional statement, nothing surfaced during the course of investigation, which may incriminate the petitioner with the present set of occurrence. It is also submitted that mere on the ground of mobile tower location, petitioner cannot be connected with the present occurrence and, moreover, confessional statement of the petitioner, who is the calyx of implication, also reflect that, she is not the eye witness of the occurrence . While concluding the argument, it is submitted that petitioner is a lady of clean antecedent and, moreover, 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 duly assisted by learned senior counsel appearing on behalf of the informant, while opposing the prayer



for bail, fairly conceded that nothing recovered or incriminating surfaced in furtherance of confessional statement.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced, in furtherance of the confessional statement of the petitioner, which may connect the her, *prima facie*, with the present occurrence, having clean antecedent, 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 Benipatti 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 Additional Chief Judicial Magistrate-I, Benipatti, Madhubani/concerned Court, subject to the following conditions:

“(i) 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.



(ii) That one of the bailors shall be
Bharath Paswan, who is the cousin of
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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