

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42537 of 2021**

Arising Out of PS. Case No.-225 Year-2020 Thana- SURYAGARHA District- Lakhisarai

Purushottam Paswan Son Of Late Bideshi Paswan R/O Village- Mahpur, P.S.-  
Tarapur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 43099 of 2021**

Arising Out of PS. Case No.-225 Year-2020 Thana- SURYAGARHA District- Lakhisarai

Aman Kumar Son of Sunil Kumar Gupta Resident of Village - Naya Gown,  
P.S. - East Colony, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 3203 of 2022**

Arising Out of PS. Case No.-225 Year-2020 Thana- SURYAGARHA District- Lakhisarai

Bhupendra Singh @ Bhopi Sardar @ Bobby Son of Brahamdeo Singh  
Resident of Village- Laxmipur Garh, P.S.- Muffasil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 42537 of 2021)

For the Petitioner/s : Mr.Sanjeev Ranjan, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

(In CRIMINAL MISCELLANEOUS No. 43099 of 2021)

For the Petitioner/s : Mr.Anil Chandra, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

(In CRIMINAL MISCELLANEOUS No. 3203 of 2022)

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

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**

ORAL ORDER

8      06-12-2022      Heard learned counsels for the petitioners and  
  
learned APP for the State.



Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Suryagarha P.S. Case No. 225 of 2020 registered for the alleged offences under Section 396 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, some dacoits intercepted the pick-up van of the informant which was carrying goods of courier company and shot dead the driver when he delayed in opening the doors of the vehicle. They snatched mobile phone of the informant and a person sitting with him and also looting the Rs. 55,000/- from them. Thereafter, they again committed dacoity with another pick-up van which was coming behind the vehicle of the informant.

It has been submitted on behalf of the petitioners that petitioners are innocent and have been falsely implicated in this case. The petitioners are not named in the FIR and no Test Identification Parade has been held during investigation. Nothing incriminating has been recovered from their person or possession. Learned counsel for the Bhupendra Singh submits that though recovery of some mobile phones have been shown from this petitioner but the IMEI numbers of the looted mobile



phones are different from the IMEI members of the mobile phones recovery from this petitioner. The learned counsels further submit that prosecution evidence is being recorded in the matter but none of the witnesses including the informant has identified any of the petitioners. A number of co-accused persons have been granted bail vide orders dated 20.01.2022 passed in Cr. Misc. No. 32038 of 2021 and Cr. Misc. No. 35986 of 2021 and vide order dated 04.02.2022 passed in Cr. Misc. No. 38454 of 2021, respectively. The case of the petitioners is similarly placed and the petitioners are in custody since 02.12.2020, 03.12.2020 and 03.12.2020, respectively.

Learned APP opposes the prayer for bail submitting that one person was shot dead during dacoity by the petitioners and other co-accused persons. Learned APP further submits that one Aadhar Card belonging to the deceased was recovered from the place where the petitioners were present. Learned APP further submits that the prosecution evidence has been closed in this case and statement of the co-accused persons were to be recorded under Section 313 Cr.P.C.

Perused the records.

From perusal of record, it transpires that the matter has been taking time for its conclusion before the learned trial



court. A number of co-accused persons have been granted bail by different Co-ordinate Benches. In view of the facts and circumstances and submissions made on behalf of the parties along with their period of custody, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Suryagarha P.S. Case No. 225 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

However, it is made clear that this count has not been made any comment on merits of the case and the learned trial court would not be prejudiced by the present order.

**(Arun Kumar Jha, J)**

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