

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50298 of 2022

Arising Out of PS. Case No.-936 Year-2021 Thana- SAHARSA SADAR District- Saharsa

1. RAJEEV KUMAR @ RAJEEV PASWAN S/o Banarshi Paswan Resident of Village- Kahra, Ward No.6, P.S.- Saharsa, District- Saharsa.
2. BIKASH PASWAN @ VIKASH PASWAN S/o Banarshi Paswan Resident of Village- Kahra, Ward No.6, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra
For the Opposite Party/s	:	Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2022 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Saharsa Sadar P.S. Case No. 936/2021, registered for the offence punishable under Sections 147, 148, 149, 302, 201, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, in brief, is that the petitioners herein along with their friend, namely, Jiyaul Hak, had hatched a conspiracy, whereafter the co-accused persons, namely, Indal Yadav, Ranveer Kumar and Suman Sah, had fired



gunshots on the son of the informant resulting in his death, whereafter the petitioners are stated to have moved the dead body of the deceased and kept the same in front of the house of one, Bhavesh Paswan, with a view to implicate him in the alleged crime.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are languishing in custody since 7.12.2021. The learned counsel for the petitioners has further submitted that though the petitioners are accused in one another criminal case, but they are on bail in the said case. It is further submitted that the petitioners have not been alleged to have opened fire on the son of the informant resulting in his death and are merely stated to be conspirators, being associate of the three main accused persons, who had fired on the deceased resulting in his death. It is further submitted that similarly situated co-accused person, namely, Jiyaul Hak



@ Sam, has already been granted bail, by a coordinate Bench of this Court, vide order dated 3.8.2022, passed in Criminal Miscellaneous No. 24487 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record, this Court finds that the petitioners are not alleged to have engaged in any overt act and specific allegation of firing gun shots on the deceased has been levelled upon the co-accused persons, namely, Indal Yadav, Ranveer Kumar and Suman Sah, apart from the fact that similarly situated co-accused person, namely, Jiyaul Hak @ Sam, has already been granted bail by a coordinate Bench of this Court, hence, I deem it fit and proper to direct for release of the petitioners on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand)



each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Saharsa in connection with Saharsa Sadar P.S. Case No. 936 of 2021, subject to the following conditions:-

- (i) one of the bailors should be the family members of the petitioners, who shall provide official document to show his/her bona fide;
- (ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so on two consecutive dates without plausible reasons will entail cancellation of their bail by the Trial Court itself;
- (iii) they shall appear before the concerned police station every fortnight for next six months to mark their presence;
- (iv) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(Mohit Kumar Shah, J)

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