

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68418 of 2021

Arising Out of PS. Case No.-181 Year-2021 Thana- CHANDAUTI District- Gaya

Reena Devi, Wife of Raj Balan Paswan, Resident of Village- Nisirpur, P.S.-
Chandauti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 69482 of 2021

Arising Out of PS. Case No.-181 Year-2021 Thana- CHANDAUTI District- Gaya

Shiv Paswan, S/o Chandradeo Paswan, Resident of Village - Krit Nawadah,
P.S. - Chandauti, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 70700 of 2021

Arising Out of PS. Case No.-181 Year-2021 Thana- CHANDAUTI District- Gaya

Jitendra Paswan @ Bindu Paswan, S/o Chandradeo Paswan Resident of
Village - Krit Nawadah, P.s.- Chandauti, District - Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 68418 of 2021)
For the Petitioner/s : Mr.Dhirendra Singh, Advocate
For the State : Mr.Sanjay Kumar Tiwary, APP
For the Informant : Mr. Shailesh Kumar, Advocate
(In CRIMINAL MISCELLANEOUS No. 69482 of 2021)
For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate
For the State : Mr.Narendra Kumar Singh, APP
For the Informant : Mr. Shailesh Kumar, Advocate
(In CRIMINAL MISCELLANEOUS No. 70700 of 2021)
For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate
For the State : Mr.Manoj Kumar, APP



For the Informant : Mr. Shailesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 29-08-2022 Since all the applications arise out of Chandauti P.S. Case No. 181 of 2021, as such, they have been heard together and are being disposed of by this common order.

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 from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Chandauti P.S. Case No.181 of 2021, registered for the alleged offence under Sections 302, 201, 120 (B) and 34 of the Indian Penal Code.

As per the prosecution case, the husband of the informant went missing and later on his dead body was found packed in the sack. The informant registered the FIR for murder against unknown.

The learned counsel for the petitioner- Reena Devi submits that the petitioner has been falsely implicated in this case and except for the fact that her name came up on the basis of call made between the mobile phone of the deceased and this



petitioner, there is nothing against this petitioner. The deceased used to visit this petitioner and he was familiar to her and for this reason, she has been arrested on the basis of suspicion. The petitioner is in custody since 19.07.2021.

The learned counsel appearing on behalf of the petitioners, namely Shiv Paswan and Jitendra Paswan @ Bindu Paswan submits that the name of the petitioners transpired on the basis of confessional statement of the petitioner Jitendra Paswan and the same has got no legal sanctity. The petitioners are not named in the FIR and during investigation, on the basis of call details report and mobile tower location, the petitioners have been apprehended and their confessional statements were recorded in this case. The learned counsel further submits that there is no eye witness to the occurrence and there is no cogent material on record to connect the petitioners with the death of the husband of the informant. The petitioners are in custody since 15.07.2021.

Learned APP as well as learned counsel for the informant opposes the prayer for bail made on behalf of the petitioners. The learned counsel for the informant submits that the petitioners under a conspiracy committed the murder of the husband of the informant as the deceased used to work as



informer of the police and got the liquor manufactured by the petitioners recovered by the police. In paragraphs 33, 33A, 50, 51, 76, 77, 102 and 103 of the case diary, the sequence of events as happened has been made clear. The learned counsel further submits that at the instance of the petitioner Jitendra Paswan @ Bindu Paswan, the recovery of '*Fasuli*' used in the murder of the deceased has been made along with bloodstained soil and bloodstained motorcycle. The broken mobile phone of the deceased was also recovered at the instance of this petitioner and fact has been mentioned in above-noted paragraphs of the case diary. However, learned counsel fairly concedes that the name of the petitioner Reena Devi has come up during investigation on the basis of call details with the deceased and the name of the petitioner Shiv Paswan has come up on the basis of confessional statement of the petitioner Jitendra Paswan, who is his own brother and also the tower location of the petitioner Shiv Paswan at the relevant time along with the petitioner Jitendra Paswan at the place of occurrence.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that at the instance of the petitioner Jitendra Paswan @ Bindu Paswan,



the murder weapon and other murder related articles have been recovered, I am not inclined to grant bail to Jitendra Paswan @ Bindu Paswan.

Hence, his prayer for bail is rejected.

However, as no strong and cogent material has come up against the petitioners Reena Devi and Shiv Paswan, they 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, Gaya, in connection with Chandauti P.S. Case No. 181 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the 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 on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled



by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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