

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56106 of 2022

Arising Out of PS. Case No.-632 Year-2021 Thana- SAKRA District- Muzaffarpur

Vishundeo Paswan S/o Late Ganga Paswan, Resident of Village- Rajapur,
P.S.- Sakra, Distirct- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sakra P.S. Case No. 632 of 2021, lodged under Sections 394,
302/34 of the Indian Penal Code read with Section 27 of Arms
Act.

As per prosecution case, the F.I.R. has been lodged
against 3 unknown accused persons who have entered in the
C.S.C. Vasudha Kendra of informant's son and committed loot
of cash from the counter. It has further been alleged in the F.I.R.
that they went towards Samastipur and on gun point they have
also looted a motorcycle of a passerby. During loot they have



also killed the son of informant.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. He further submits that name of petitioner has figured in this case by virtue of confessional statement of co-accused. He also submits that nothing was recovered from the possession of petitioner nor he was put on TIP. He further submits that there is one criminal case pending against the petitioner which is of NDPS, in which, he is on remand. Learned counsel for the petitioner further submits one co-accused namely Kamlesh Kumar has taken the name of petitioner due to which he has been accused in both cases, the present case and well as the case related to NDPS. He further submits that petitioner is in custody since 21.02.2022. Learned counsel submits that the co-accused whose case is similarly situated as like that of present petitioner, has been granted bail by the Co-ordinate Bench of this Court vide order dated 18.01.2023 passed in Cr. Misc. No.36669 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that it is a case of robbery with murder and in confessional statement name of petitioner has figured.

Upon specific query from the counsel for the petitioner that whether charge has been framed in this case or



not ? learned counsel for the petitioner submits that he is not aware that whether charge has been framed or not.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail application is hereby **rejected**.

Liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge before the Trial Court and the Trial Court is directed to release the petitioner on bail after framing of charge imposing its own conditions, so that he may not evade his appearance during trial.

(Dr. Anshuman, J.)

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