

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61320 of 2023

Arising Out of PS. Case No.-88 Year-2021 Thana- SARAI RANJAN District- Samastipur

1. GAUTAM PASWAN, Son of Ranjeet Kumar Paswan Resident of Village-Lodipur Asinchak, P.S.-Dalsinghsarai, District-Samastipur
2. SONU KUMAR @ SONU MAHTO, Son of Vinod Mahto Resident of Village-Chandchaur, P.S.-Ujiyarpur, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 12-09-2023 Learned counsel for the petitioners is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners have preferred this application for grant of regular bail in connection with Sarairanjan P.S. Case No. 88 of 2021 dated 07.06.2021 registered for the offences punishable u/s 396 of the Indian Penal Code.

4. As per the prosecution case, when the informant's brother was returning to C.S.P. after taking cash Rs. 3,60,000/- in the way, five unknown miscreants boarded on two



motorcycles overtook him and fired indiscriminately resulting to his death due to firearm injury.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the F.I.R. The name of the petitioners has sprung up in the confessional statement of the co-accused, Rahul Kumar. Nothing has been recovered from the conscious possession of the petitioners. No T.I.P. has been conducted by the prosecution. The petitioner no. 1 is accused in five other criminal cases and he is on bail in all the cases whereas the petitioner no. 2 is accused in three other criminal cases and he is on bail in all the cases as stated in para 3 of the bail petition. The petitioner no. 1 is in custody since 22.05.2023 whereas the petitioner no. 2 is in custody since 06.05.2023.

6. Learned A.P.P. for the State has opposed the bail petition of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of



learned Court concerned, Samastipur in connection with
Sarairanjan P.S. Case No. 88 of 2021 with the condition :-

(i) The petitioner is directed
to remain physically present
before the learned Court
below on each and every date,
failing which on two
consecutive dates without
reasonable cause, his bail
bonds are liable to be
cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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