

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16496 of 2024

Arising Out of PS. Case No.-674 Year-2023 Thana- SUPAUL District- Supaul

Deepvansh Paswan, Male, aged about 19 years, S/O Ramesh Paswan, R/O Village- Kariho, P.S- Supaul, Distt.- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Sr. Advocate, Mr. Saket Kumar Singh, Advocate and Mr. Rajendra Kumar Jain, Advocate

For the Opposite Party : Mr. Anand Kishore Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

8 30-09-2024 Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Supaul P.S. Case No. 674 of 2023 dated 23.08.2023 registered for the offences punishable under Sections 302 and 120B of the I.P.C.

3. As per the prosecution case, the informant's brother-in-law (Raushan Kumar) took the vehicle to Supaul as he was driving four wheeler which was being operated by Uber Company. It is further alleged that the informant received a information that the dead body of Raushan Kumar in underwear was found and marks of hitting with rod on his head and entire body and his face were badly crushed. It is further alleged that



two Android mobile phones, driving license, ATM Card, all the documents and purse were missing. It appears that murder has been done in a planned manner, knife marks were found all over the body, the car was overturned to mislead the police.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the F.I.R. has been lodged against unknown. The name of the petitioner has surfaced in the present case on the basis of the confessional statement of the co-accused Rohit Raj @ Munna Pathak before the police who was also accused in Supaul P.S. Case No. 397 of 2023 which has got no evidentiary value in the eye of law. There is no eye witness to the alleged offence and the informant raised suspicion against the Uber and OLA Transport Companies. It is further submitted that CDR of the mobile cannot be a ground to substantiate the involvement of the petitioner in murder of the deceased Raushan Kumar without any corroborative cogent material and evidence. It is further submitted that during the entire course of investigation, no prosecution witness has come forward to support the prosecution case. It is further submitted that only on the basis of alleged recovery of clothes from the pond behind the house of the petitioner, it cannot be said that the



petitioner had committed murder of the deceased. No incriminating article has been recovered either from the possession of the petitioner or from the house of the petitioner. The petitioner has no concern with the alleged offence. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 25.08.2023.

5.Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submitted that in paragraph no. 30 of the case diary, the witness Sikandar Yadav has stated that on 22.08.2023 at 11.00 P.M., he had seen a Wagon-R vehicle bearing Registration No. BR-01PP/6280 on which Rohit Raj @ Munna Pathak and Deepvansh Paswan (petitioner) were sitting and the said vehicle was going towards the village-Kariho Jamua and in the morning, he heard that the said vehicle over turned on the *Jamua Dam*. When police raided the house of Rohit Raj @ Munna Pathak, his father told police that there was blood stain on the clothes of his son and his son told him that he alongwith Deepvansh Paswan (petitioner) killed the vehicle driver after stabbing him. Further, in paragraph no. 39 of the case diary, it has been mentioned that from the house of Rohit Raj @ Munna, blood stained clothes which were changed on the



alleged date of occurrence, were recovered. Similarly, from perusal of paragraph no. 41 of the case diary, it appears that the house of the petitioner was also raided and the petitioner tried to flee away but he was apprehended and confessed before police about his involvement in the alleged crime and said that he alongwith Rohit Raj @ Munna committed murder of the deceased. It is further submitted that in paragraph no. 42 of the case diary, it has been mentioned that on the basis of the confessional statement of the petitioner his blood stained clothes were recovered. The postmortem report which is in paragraph no. 114 of the case diary, shows that several injuries were found on the face of the deceased.

6. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned A.P.P. for the State, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Supaul P.S. Case No. 674 of 2023, pending in the court of learned Chief Judicial Magistrate, Supaul.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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