

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52831 of 2024

Arising Out of PS. Case No.-456 Year-2023 Thana- SHIVSAGAR District- Rohtas

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Dhanjee Kumar @ Dhanjee Pasi, aged about 25 years, Male, Son of Late Ramchandra Pasi, Resident of Vill- Tenua, P.S.- Darigaon, District- Rohtas at Sasaram.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 01-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 177 of 2024, arising out of Shivsagar (Baddi) P.S. Case No. 456 of 2023 dated 14.10.2023 registered for the offence punishable under Section 302 of the I.P.C. Later on, Section 120B of the I.P.C. was also added.

3. As per the prosecution case, on 12.10.2023 at about 9.30 A.M., the informant received information through villagers that in the night of 11.10.2023 and 12.10.2023, Sajan Singh and Nand Kumar Paswan @ Nanhak Paswan were murdered near



Alampur Furhiya River on the first floor of *Khadeshari Temple*.

Thereafter, he went there and found that two persons were murdered after cutting their necks by unknown persons. It is further alleged that the deceased Sajan Singh was the brother of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. It is submitted that the alleged occurrence took place on 12.10.2023 but the F.I.R. has been lodged on 14.10.2023 and for the said delay in lodging of the F.I.R., no explanation has been given by the prosecution. The informant is not an eye witness to the alleged offence and the petitioner has been remanded in the present case only on the basis of suspicion and the confessional statement of the co-accused Nand Lal Singh Yadav @ Pintu Yadav. Thereafter, police forcibly obtained his signature on a plain paper and took him into judicial custody. There is neither any specific allegation nor any overt act against the petitioner. No incriminating article has been recovered from his possession. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 25.12.2023.



5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that in paragraph no. 71 of the case diary, it has been mentioned that the co-accused Nand Lal Singh Yadav @ Pintu Yadav in his confessional statement made before police has confessed that he alongwith the petitioner and others assaulted with *Tangi* on the neck of both the deceased Sajan Singh and Nanak Paswan. It is further submitted that from perusal of the C.D.R. and S.D.R., which is available in paragraph no. 56 of the case diary, it appears that there are conversions between the petitioner and the co-accused Nand Lal Singh Yadav and tower location mobiles was found near the place of occurrence. The petitioner in his confessional statement has also confessed his involvement in the alleged crime. This is a case of double murder.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation and 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 in connection with Sessions Trial No. 177 of 2024, arising out of Shivsagar (Baddi) P.S. Case No. 456 of 2023, pending in the court of learned 19th Additional Sessions Judge, Rohtas at Sasaram.



7. The application stands rejected.

(Chandra Prakash Singh, J)

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