

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49977 of 2024

Arising Out of PS. Case No.-228 Year-2021 Thana- PIPRAHI District- Sheohar

Munchun Paswan Son of Gajendra Paswan Resident of Village - Bhatahan,
P.S.- Shyampur Bhatahan, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 30-08-2024 Though, the present case has been heard along

with Cr. Misc. No. 35256 of 2024 but, is being disposed of

separately.

2. Heard learned counsel for the petitioner and

learned APP for the State. Perused the case diary which was

called for in Cr. Misc. No. 35256 of 2024.

3. The petitioner seeks bail in connection with

Piprahi P.S. Case No. 228 of 2021 instituted for the

offences under Sections 302, 120(B)/34 of the Indian Penal

Code and Section 27 of the Arms Act.

4. The prosecution case, in short, is that on the

alleged date and time of occurrence, when the elder brother



of the Informant was sitting at the door of his house and watching his mobile phone, three unknown miscreants arrived there and fired three rounds on his chest and stomach, resulting in his death.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of presumption and suspicion. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of confessional statement of the co-accused. There is no eye-witness to the alleged occurrence. No Test Identification Parade has been conducted in this case as yet. The petitioner has altogether seven criminal antecedents and is languishing in judicial custody since 24.07.2023 without any rhymes or reason.

6. Learned counsel for the petitioner again submits that the co-accused namely Anish Kumar @ Anish Kumar Jha @ Anish Jha has been granted bail by this Court vide order dated 20.02.2024 passed in Cr. Misc. No. 2350 of 2024.



7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has total seven criminal antecedents. Charge-sheet has been submitted against the petitioner under Section 302/120B/34 of the I.P.C. and Section 27 of the Arms Act. The name of the petitioner has surfaced in this case on the basis of the confessional statement of the co-accused. The postmortem report supports the prosecution case. The offence alleged is serious in nature and, thus, he does not deserve bail.

8. In compliance of the order of this Court dated 05.07.2024 passed in Cr. Misc. No. 35256 of 2024, the court below has sent status its report dated 18th July, 2024, stating therein that if both the party will co-operate in trial, the case may be disposed off within one to two year.

9. Having heard rival contention of both the parties and taking into account the nature and gravity of offence as also there being seven criminal antecedents of almost similar nature of offences, this Court is not inclined to grant bail to the petitioner.



10. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

11. However, if the trial is not concluded within a period of nine months from today, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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