

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50921 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- KATIHAR NAGAR District- Katihar

BHAIYA RAM PASWAN SON OF LATE NAWAL KISHORE PASWAN
RESIDENT OF MOHALLA - DRIVER TOLA KATIHAR, POLICE
STATION - NAGAR KATIHAR, DISTRICT - KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan
For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 331-08-2024
1. Heard learned counsel for the petitioner, learned A.P.P. for the Stat, Mr. Rabindra Kumar and the learned counsel appearing on behalf of the informant, Mr. Satish Kumar Sinha.

2. The petitioner seeks bail in connection with Katihar Nagar P.S. Case No. 141 of 2024 registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

3. The learned counsel appearing on behalf of the informant submits that own brother of the present petitioner namely Chhotu Paswan had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 37713 of 2024, but the same was rejected by an order dated



07.08.2024.

4. The learned counsel next submits that in Criminal Miscellaneous No. 37713 of 2024, the Investigating Officer of the case was directed to remain physically present on 07.08.2024. It is further submitted that the Investigating Officer of the case appeared in Criminal Miscellaneous No. 37713 of 2024 and made certain submission which stands recorded in the order dated 07.08.2024.

“The Investigating Officer of the case states that the case has been investigated from all angles and during the course of investigation, it transpired that petitioner (Chhotu Paswan) is involved in the occurrence though not directly. It is also submitted that during the course of investigation, the police had gone to the house of the petitioner (Chhotu Paswan) and there an important fact came to their notice that the CCTV footage of 05.03.2024 and 06.03.2024 was found deleted and the occurrence is alleged to have been committed on 06.03.2024. It is also submitted that CCTV footage prior to 05.03.2024 and after 06.03.2024 is there in the CCTV, which amply demonstrates that purposely the CCTV footage was deleted for some ulterior reasons. It is also submitted that during the course of investigation, it transpired that one Ranjit Mallick was acting as a liner and Ranjit Mallick had talked to the



petitioner (Chhotu Paswan) seven times on 04.03.2024 and thereafter, he had also talked with the brother of the petitioner who is in custody (instant petitioner). He further submits that brother of instant petitioner (Chhotu Paswan) was killed for which Katihar Nagar P.S. Case No. 416 of 2021 was instituted in which the present deceased was an accused. The Investigating Officer, thus, submits that since brother of petitioner (Chhotu Paswan) was killed in which deceased was an accused, as such, the brother of the petitioner (instant petitioner) who is in judicial custody contacted Ravi Jaiswal who organized the entire occurrence through Alok Pradhan. It is also submitted that the deceased was a Railway employee and the investigation is in its nascent stages.”

5. The submission recorded hereinabove is from the order dated 07.08.2024 in Criminal Miscellaneous No. 37713 of 2024, further at places Chhotu Paswan and instant petitioner have been recorded just for clarity.

6. The learned counsel appearing on behalf of the informant, thus, submits that he completely relies on the submissions of the Investigating Officer of the case as recorded hereinabove in Criminal Miscellaneous No. 37713 of 2024.



7. The learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant on account of previous enmity as deceased was involved in the killing of his brother. It is also submitted that the date of occurrence is 06.03.2024 and the petitioner is in custody since 08.01.2024, as such, the allegation that petitioner was instrumental in managing the occurrence, does not have any legs to stand. It is further submitted that petitioner has no concern with deletion of any CCTV footage of 05.03.2024 and 06.03.2024 as he was in judicial custody. It is further submitted that Ranjit Mallick, no doubt, had called on the mobile number of the petitioner, but then petitioner was not carrying the said mobile to jail and thus Ranjit, being Sweeper of the Ward, had called on the mobile number of the petitioner to talk to his wife who is a Ward Member.

8. The learned counsel appearing on behalf of the informant rebuts the said submission and submits that it absolutely does not stand to reason that if Ranjit had to talk to the wife of the petitioner, why he called on the mobile number of the petitioner and not on the mobile number of his wife, who is a Ward Member, which amply demonstrates the



connect.

Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not inclined to extend the privilege of regular bail to the petitioner.

Accordingly, the instant regular bail application stands rejected.

(Satyavrat Verma, J)

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