

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54123 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- C.B.I CASE District- Patna

Parshuram Paswan Son Of Kitab Manjhi Resident Of Village - Paktari
Mishrain, P.O. - Bairiya, P.S. - Kataiya, District - Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv
Dr. Bipin Chandra, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh
Mr. Avanish Kumar Singh, S.P.P, C.B.I
MR. Ambar Narayan, Advocate
Mrs. Barkha, Advocate
Mr. Mukul Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-08-2024 1. Heard learned senior counsel for the petitioner, Shri
Yogesh Chandra Verma, ably assisted by Shri Bipin Chandra,
learned A.P.P. for the State and the learned counsel appearing on
behalf of the C.B.I, Shri Avanish Kumar Singh.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 224, 216, 120B, 34, 302, 201, 202, 203, 217, 218 and 331 of the Indian Penal Code.

3. The learned senior counsel for the petitioner submits that the informant alleges that Rajnath Sharma was arrested in connection with Kataya PS Case No. 189 of 2021 and was in the police lockup and informant was on duty on 7-6-



2021, further, at 8 pm, he took Rajnath Sharma for attending nature's call, but Rajnath Sharma on pretext that he is having pain in his hand fled from the police station after pushing him.

4. The learned counsel appearing on behalf of the CBI from perusal of the pleadings, documents and based on instruction, submits that Rajnath Sharma after his arrest was not produced before the learned Magistrate in terms of Section 177 Cr.P.C, thus his brother filed Cr.WJC No. 535 of 2022 seeking issuance of a writ of *habeas corpus*, as Rajnath Sharma was not produced before the learned Magistrate soon after his arrest, based on which, this Court by order dated 6-2-2023 in Cr.WJC No. 535 of 2022 directed the CBI to investigate the case based on which the CBI instituted RC 0922023S0003 and during the course of investigation, Suman Kumar Mishra, S.H.O Kataya Police Station along with Pradeep Kumar, the Investigating Officer of the case were arrested who disclosed that Rajnath Sharma had not fled rather on account of assault in police custody he died and his dead body was cremated near a river, further petitioner and Bablu disclosed that they had seen the dead body of Rajnath Sharma in the police station who was cremated, thus submits that petitioner was aware of the fact that Rajnath Sharma had not fled but on account of assault in police



custody died but still instituted the instant false FIR.

5. The learned counsel appearing on behalf of the CBI further submits that in compliance of the order dated 29-8-2024, oral instruction has been sought from the department, it is next submitted that he has instruction not to oppose the anticipatory bail application of the petitioner, as the petitioner has helped the CBI in cracking the case during investigation and is still helping in the investigation.

6. Considering the submissions made by the learned counsel appearing on behalf of C.B.I, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with C.B.I. RC Case No. 3 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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