

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12981 of 2025

Arising Out of PS. Case No.-369 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

Ashok Yadav @ Ashok Kumar Yadav Son of Taujilal @ Tau Jilal Rai
Resident of Village - Phulwar Gamhariya Tola, Semra, Ward No.11, P.S. -
Banjariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 9251 of 2025

Arising Out of PS. Case No.-369 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

Avinash Paswan S/O Raj Kumar Paswan Resident of village - Khajuriya, P.S-
Govindganj, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 16471 of 2025

Arising Out of PS. Case No.-369 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

Lucky Kumar @ Rabindra Kumar Son of Sankar Ram village- Sapaha, Ps-
Sugauli, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 12981 of 2025)

For the Petitioner/s : Mr. Patanjali Rishi, Adv.
Mr. Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr. Narendra Kumar Singh, Adv.
For the Informant : Mr. N.K. Agrawal, Sr. Adv.
Mr. Ravi Raj, Adv.
Mr. Abhishek Kr. Srivastava, Adv.

(In CRIMINAL MISCELLANEOUS No. 9251 of 2025)

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP
For the Informant : Mr. N.K. Agrawal, Sr. Adv.
Mr. Ravi Raj, Adv.
Mr. Abhishek Kr. Srivastava, Adv.

(In CRIMINAL MISCELLANEOUS No. 16471 of 2025)



For the Petitioner/s : Mr. Dhannjay Kumar Ii, Adv.
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP
For the Informant : Mr. N.K. Agrawal, Sr. Adv.
Mr. Ravi Raj, Adv.
Mr. Abhishek Kr. Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 12-08-2025

CR. MISC. No. 12981 of 2025

Heard the parties.

2. The petitioner seeks bail in connection with Motihari Town P.S. Case No. 369 of 2024 registered for the offence under Sections 302, 120B and 34 of the I.P.C. and Section 25(1-b), 26 and 35 of Arms Act.

3. The petitioner is not named in the F.I.R. and is in custody since 14.11.2024.

4. The allegation against the petitioner is to involve in committing murder of the brother of the informant while he was going to attend a doctor. The occurrence took place on way of which informant is the eye witness but he could not identify the person by name, hence, FIR was registered against unknown persons.

5. Mr. Patanjali Rishi, learned counsel appearing on behalf of the petitioner submitted that name of petitioner transpired on the basis of confessional statement of



apprehended co-accused persons where in furtherance of which nothing incriminating transpires against this petitioner as to involve *prima-facie* with present occurrence of murder. It is submitted that during entire investigations the only incriminating thing which appears against this petitioner that on one occasion he was found consuming liquor alongwith other co-accused persons much before the occurrence, whereas in subsequent meeting and occurrence, he was not found involved. It is submitted that with this material only petitioner cannot be said connected *prima-facie* with present occurrence of murder or *prima-facie* involved in conspiracy *qua* occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, opposed the prayer of bail.

7. Mr. N.K. Agrawal, learned senior counsel for the informant also approved that during investigation petitioner found only drinking liquor with co-accused persons on one



particular occasion much before occurrence as it transpires from the case diary/ investigation.

8. In view of aforesaid factual submission and by taking note of fact as save and except suspicions arising out of confessional statement of apprehended co-accused persons, nothing incriminating transpires during course of investigation as to connect petitioner *prima-facie* with present occurrence of murder, coupled with fact that petitioner is a man of clean antecedent, who remains in custody since 14.11.2024, accordingly petitioner above named, is directed to be released on bail in connection with Motihari Town P.S. Case No. 369 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, East Champaran, Motihari /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

CR. MISC. No. 9251 of 2025

Heard the parties.

2. The petitioner seeks bail in connection with



Motihari Town P.S. Case No. 369 of 2024 registered for the offence under Sections 302, 120B and 34 of the I.P.C. and Section 25(1-b)a, 26, 27 and 35 of Arms Act.

3. The petitioner is not named in the F.I.R. and is in custody since 09.07.2024.

4. The allegation against the petitioner is to involve in committing murder of the brother of the informant while he was going to attend a doctor. The occurrence took place on way of which informant is the eye witness but he could not identify the person by name, hence, FIR was registered against unknown persons.

5. Learned counsel appearing on behalf of the petitioner submitted that name of petitioner transpired on the basis of confessional statement of apprehended co-accused persons namely, Hari Shankar Paswan, Sudama Sahani and Ramesh Mahato. It is submitted that petitioner found involved in one more criminal case, where he is on bail. It is also pointed out that having all opportunity petitioner was not put on TIP. It is submitted that from facial perusal it transpires that the maximum allegation appears against this petitioner is



to act like a liner. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. It is also submitted that similarly situated Sudama Sahani @ Sudama Sahni and Ramesh Mahto were granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 62213 of 2024 and Cr. Misc. No. 64450 of 2024, respectively where they were directed to be released on bail after framing of charges. It is submitted that charge has already been framed and therefore, no purpose of justice shall be served by keeping this petitioner behind bar.

7. Learned APP, opposed the prayer of bail.

8. Mr. N.K. Agrawal, learned senior counsel for the informant while opposing the prayer of bail submitted that the mobile phone found at place of occurrence, belongs to this petitioner. It is submitted that upon his confessional statement the box of said mobile was recovered from the house of petitioner through which he was in regular touch with other co-accused persons as per call details suggesting his



active involvement in occurrence. It is also pointed out that the bail of co-accused Sudama Sahani @ Sudama Sahni and Ramesh Mahto which was granted as submitted aforesaid by one of learned Co-ordinate Bench of this Court was rejected by Hon'ble Supreme Court through Cr. App. (SLP) No. 3120 of 2025 and Cr. App. (SLP) No. 3119 of 2025 respectively vide order dated 30.07.2025.

9. In view of aforesaid factual submission and by taking note of fact as mobile of petitioner was found at place of occurrence through which he was in regular touch with co-accused person before the occurrence coupled with the fact that cover box of mobile was recovered from the house of this petitioner, suggesting *prima-facie* his active involvement *qua* crime in question, accordingly, the prayer of bail of above-named petitioner stands **rejected** herewith.

10. However, considering the custody period learned trial court is directed to conclude the trial of petitioner preferably within one year.

CR. MISC. No. 16471 of 2025

Heard the parties.



2. The petitioner seeks bail in connection with Town P.S. Case No. 369 of 2024 registered for the offence under Sections 302, 120B and 34 of the I.P.C. and Section 25(1-b)a, 26 and 35 of Arms Act.

3. The petitioner is not named in the F.I.R. and is in custody since 24.10.2024.

4. The allegation against the petitioner is to involve in committing murder of the brother of the informant while he was going to attend a doctor. The occurrence took place on way of which informant is the eye witness but he could not identify the person by name, hence, FIR was registered against unknown persons.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner transpires on the basis of confessional statement of apprehended co-accused person namely, Hari Shankar Paswan, where he stated before police that this petitioner was involved in driving of the motorcycle during the occurrence. It is submitted that accept driving of motorcycle no allegation appears available against him. The petitioner was not involved in actual firing. It



is submitted that petitioner was not put on TIP having all opportunity. While concluding the argument, it is submitted that petitioner found involved in one more criminal case where he is on bail and moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, opposed the prayer of bail.

7. Mr. N.K. Agrawal, learned senior counsel for the informant while opposing the prayer of bail submitted that motorcycle, in issue, belongs to brother of the petitioner for which it transpires during the investigation that it was in actual use of petitioner which was used in crime in question. It is submitted that after committing murder co-accused petitioner fled away using same motorcycle which was recovered later from an isolated place. It is submitted that in view of same, active involvement of petitioner cannot be ruled out and moreover, the bail prayer of other co-accused persons was rejected by Hon'ble Supreme Court through Cr. App. (SLP) No. 3120 of 2025 and Cr. App. (SLP) No. 3119 of



2025 respectively vide order dated 30.07.2025.

8. In view of aforesaid factual submission and by taking note of fact as motorcycle which was the motorcycle of the brother of petitioner but *prima-facie* in actual use of petitioner found involved in occurrence, through which co-accused persons fled away where petitioner was the driver, suggesting *prima-facie* active involvement of petitioner with crime in question, accordingly, the prayer of bail of above-named petitioner stands **rejected** herewith.

9. However, considering the custody period learned trial court is directed to conclude the trial of petitioner preferably within one year.

(Chandra Shekhar Jha, J)

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