

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28860 of 2025

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

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HarishankarPaswan @ Harishankar Paswan S/o- VishwanathPaswan @
Vishwanath Paswan Village- Madhumalti Ps- Sugauli Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Hemant Ray, Adv.
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, APP
For the Informant	:	Mr. N.K. Agrawal, Sr. Adv.
		Mr. Ravi Raj, Adv.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 06-08-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned Senior counsel appearing on behalf of the informant, Mr. N.K. Agrawal.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120-B and 34 of the Indian Penal Code read with Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.
3. Learned counsel for the petitioner submits that petitioner has antecedent of four cases and is in custody since 29.06.2024 and the informant alleges that he along with his elder brother on 26.06.2024 went on their four wheeler and reached near a railway crossing, in the meantime, two unknown miscreants who were standing from before opened fired on



account of which the brother of the informant sustained gunshot injury, further after committing the occurrence both the miscreants fled on one motorcycle, further the brother of the informant died on way to the hospital.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case because of his antecedents. It is next submitted that FIR is against unknown and the name of the petitioner transpired during the course of investigation based on confessional statement which does not have any evidentiary value. It is further submitted that similarly situated co-accused Ramesh Mahto and Sudama Sahani had approached this Court seeking regular bail by filing Criminal Miscellaneous No. 62213 of 2024 and Criminal Miscellaneous No. 64450 of 2024 respectively but the same was rejected by a learned Co-ordinate Bench by an order dated 20.11.2024, with a direction that they shall be released from custody after framing of charge.

5. Learned A.P.P. for the State and the learned Senior counsel appearing on behalf of the informant oppose the prayer for bail of the petitioner. It is submitted that petitioner has antecedent of four cases of serious nature. It is further submitted that no doubt the name of the petitioner transpired in the



confessional statement of the co-accused in police custody, but then from perusal of the order impugned, it would manifest that the same records that based on confession of this petitioner the weapon by which the murder was committed was recovered from the house of Sudama Sahani, it is thus submitted that this links the petitioner with the offence.

6. Considering the submissions made by the learned APP for the State and the learned Senior counsel appearing on behalf of the informant, the Court is not inclined to release the petitioner on bail.

7. Accordingly, the instant bail application stands rejected.

(Satyavrat Verma, J)

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