

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36503 of 2024

Arising Out of PS. Case No.-108 Year-2015 Thana- RANIGANJ District- Araria

Sanjeev Paswan @ Dara Paswan @ Dara Son of late Chandradeep Paswan @ Chandradeo Paswan Resident of Village - Khokhsi Shyam, P.S.- Gwalpara, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar Khokhsi Shyam

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv
	:	Mr. Pawan Kumar, Adv
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

10 31-01-2025 Heard learned senior counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Raniganj P.S. Case No. 108 of 2015 registered for the offences under Section 302/34 of the IPC and Section 27 of the Arms Act.

3. The petitioner is named in the F.I.R. and is in custody since 27.10.2023.

4. The allegation against the petitioner is to kidnap the husband of the informant alongwith other unknown co-



accused persons and after kidnapping committed murder, where the occurrence alleged to be arising out of previous enmity as the petitioner was desirous to marry wife of the deceased.

5. Mr. N.K. Agrawal, learned senior counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence and the present FIR was lodged on the basis of hear say input. It is submitted that out of previous enmity petitioner was implicated with the present case. It is further submitted that even the statement of the wife of the deceased *qua* kidnapping and also that of murder is not *prima-facie* appearing convincing. Explaining further, criminal antecedents of this petitioner, it is submitted that out of 22 criminal cases, he has been exonerated by police in 11 cases as petitioner was not sent-up for facing trial, whereas in 11 cases he is on bail. While concluding the argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Lastly, it is submitted that petitioner is in custody for more



than a year and as this matter is pending for appearance of accused persons, therefore the trial of this case is a remote event.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that petitioner is a notorious criminal of the locality as he found involved 22 more criminal cases as per para 3 of the bail petition. It is pointed out that this petitioner being resident of same village that of wife of the deceased was desirous to marry her but due to certain social reasons when the marriage could not solemnized with this petitioner, he committed present murder. It is submitted that wife of deceased is the eye-witness of the occurrence of kidnapping that how this petitioner alongwith other unknown co-accused persons kidnapped him at about 12:30 AM on the day of occurrence. It is submitted that background of acquaintance, identification is not appearing disputed, *prima-facie qua* petitioner as stated by wife of deceased, while recording her statement under Section 161 of the Cr.P.C.

7. In view of the facts and circumstances as



mentioned above and by taking note of the fact as wife of deceased supported the occurrence during the course of investigation and she appears to be an eye-witness of the occurrence of kidnapping, coupled with the fact as petitioner found involved in 22 criminal cases, accordingly the prayer of bail of petitioner stands rejected herewith.

8. Learned trial court is directed to conclude the trial preferably within a year, as petitioner is in custody since 27.10.2023.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

