

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78565 of 2024**

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

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Suman Kumar Mishra Son of Late Ravindra Nath Mishra Resident Of  
Village- Vijay Chhapara Bandh Road, P.S.- Ahiyapur, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

Superintendent of Police, CBI, Patna Bihar.

... .. Opposite Party/s

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**Appearance :**

|                            |   |                                                                                                       |
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| For the Petitioner/s       | : | Mr. Bindhyachal Singh, Sr. Advocate<br>Mr. Vipin Kumar Singh, Advocate<br>Ms. Nikita Mittal, Advocate |
| For the Opposite Party/s : |   | Mr. Bindhyachal Rai, Advocate<br>Mr. Ram Tujabh Singh, Advocate                                       |

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

10    06-08-2025

Matter relates with custodial death.

2. The brief facts is that one Rajnath Sharma (since deceased) was picked up on 07.06.2021 by the police in connection with Kateya P.S. Case No. 189 of 2021 lodged for the offences punishable under Sections 302 and 201 of the Indian Penal Code. On the same day i.e. on 07.06.2021, said Rajnath Sharma was escaped from police custody, for which Chaukidar of the said police station namely, Parshuram Paswan lodged Kateya P.S. Case No. 190 of 2021, alleging therein that under garb of attending nature's call, Rajnath Sharma was escaped from police custody.

3. It appears that after passing some time, the



brother of Rajnath Sharma namely, Dhanraj Kumar filed a writ petition before this Court as Cr.W.J.C. No. 535 of 2022 on 11.05.2022, where one of the Division Bench of this Court, considering the seriousness of the matter vide its order dated 06.02.2023 handed over the files of both Kateya P.S. Case No. 189 of 2021 as well as Kateya P.S. Case No. 190 of 2021 to the Central Bureau of Investigation (in short “the CBI”).

4. Upon receiving of aforesaid directions of this Court, the CBI registered the case vide CBI/SCB Patna arising out of P.S. Case No. RC092202350003 of 2023 for the offences punishable under Sections 224, 316, 120(B)/34, 302, 201, 202, 203, 217, 218 and 331 of the Indian penal Code on 02.03.2023.

5. It is submitted by Mr. Bindhyachal Singh, learned senior counsel appearing for the petitioner that during investigation save and except, statement under Section 16f of Cr.P.C., nothing appears incriminating against petitioner *prima facie* to connect with present occurrence *qua* disappearance of Rajnath Sharma from police custody. It is



submitted that considering overall aspects of the case, investigation and reply of CBI, one of the learned co-ordinate Bench of this Court primarily taking note of custody period granted bail to one of the of the similarly situated co-accused, namely, Pradeep Kumar, who was posted in police station as Sub-Inspector of Police through Cr. Misc. No. 38786 of 2024 dated 12.11.2024.

6. It is submitted by Mr. Singh that petitioner implicated with this case only for the reason that he was the SHO of Kateya police station. It is pointed out that the petitioner was neither investigating officer of Kateya P.S. Case No. 189 of 2021 nor of Kateya P.S. Case No. 190 of 2021, which was lodged for disappearance of Rajnath Sharma.

7. It is submitted by Mr. Singh that as a matter of judicial parity, this petitioner deserves bail.

8. Learned counsel Mr. Bindhyachal Rai, assisted by Mr. Ram Tujabh Singh, learned counsel appearing for the CBI, while opposing the prayer of bail submitted that this petitioner was the head of the affairs of police station being



SHO and, therefore, his responsibility is on higher side for the occurrence comparing to co-accused Pradeep Kumar. The petitioner arrested Rajnath Sharma alongwith his team members from Nalanda and, therefore, the involvement of petitioner *qua* custodial death cannot be ignored. It is pointed out that Rajnath Sharma was arrested from Nalanda but his arrest was shown from Siwan District, showing the mala fide intention of petitioner. It is also pointed out that this petitioner was also involved in disposal of dead body alongwith his team members. However, learned counsel appearing for CBI fairly conceded that all such aspects were discussed in detail, while granting bail to co-accused Pradeep Kumar through Cr. Misc. No. 38786 of 2024 dated 12.11.2024, as discussed aforesaid.

9. Taking note of all aforesaid factual submissions as advanced by learned counsel appearing for CBI, Mr. Bindhyachal Singh, learned senior counsel appearing for petitioner submitted that total of 36 prosecution witnesses to be examined in this case, where till now not even a single witness could examine by the learned trial court, despite the



the fact that petitioner remains in custody for about two years i.e. since 04.10.2023, suggesting *prima facie* that conclusion of trial is a remote aspect.

10. In view of all aforesaid factual submissions and considering the fact as petitioner remains in custody for about two years i.e. since 04.10.2023, where not even a single prosecution witness could examine by the learned trial court, accordingly, petitioner above named, is directed to be released on bail in connection with R.C. No. 3(S) of 2023 (FIR No. RC0922023S0003 of 2023), on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge C.B.I., Muzaffarpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS, with further conditions that:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure



to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the office of the Senior Superintendent of Police, Muzaffarpur every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for the cancellation of bail bonds;

(vi) in case, he is holder of Indian passport, the same has to be surrendered at the time of execution of bail bonds. In absence of it, the petitioner shall submit an affidavit that he does not hold passport in his name.

**(Chandra Shekhar Jha, J)**

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