

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5166 of 2025

Arising Out of PS. Case No.-95 Year-2019 Thana- BITHAN District- Samastipur

Subhas Chaupal @ Subhash Tanti, aged about 31 years, Gender-Male, Son of Late Lakshmi Chaupal, Resident of Village- Dharharba, P.S.- Bithan, Distt.- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : M/S. Shishir Kumar Shishir and Binod Kumar Sinha, Advocates

For the Opposite Party : Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 03-04-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 117 of 2022+ 69 of 2024 arising out of Bithan P.S. Case No. 95 of 2019 dated 11.10.2019 registered for the offences punishable under Sections 302, 394 of the I.P.C. and Section 27 of the Arms Act but the charge sheet has been submitted in the present case for the offences punishable under Section 396 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 10.10.2019 at about 7.30 A.M., Saheb Kumar, the staff of the informant, went for collection at Sector Nos. 200 and 286 and when he was returning and reached near Dharharba Chowk then unknown



criminals fired on him, due to which, he succumbed to death and later on he got information about the occurrence and thereafter he went there and saw that bullet hit near neck on Saheb Kumar and miscreants looted the collection money of about Rs. 29031/-, Tab, Biometric Machine, Mobile and other papers etc. He has also given the EMI No. of the mobile.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner is not named in the F.I.R. His name has surfaced in the present case on the basis of the confessional statement of the co-accused Wakil Mukhiya which has got no evidentiary value in the eye of law. No incriminating article has been recovered from the possession of the petitioner. It is further submitted that in the case diary, it has not come that the petitioner was seen either at the place of occurrence or with the deceased any time. The petitioner has no concern with the alleged offence. The other co-accused persons, namely, Wakil Mukhiya @ Okil Mukhiya, Hasan @ Hasnain @ Md. Hasnain, Dasrath Mukhiya @ Dashrath Mukhiya and Vikram Kumar @ Vikram Tanti have already been granted bail by different Co-ordinate Benches of this Court vide Cr. Misc. No. 10409 of 2021 under order dated 01.07.2021, 31378 of



2020 under order dated 02.12.2020, Cr. Misc. No. 52481 of 2021 under order dated 15.12.2021 and Cr. Misc. No. 68707 of 2024 under order dated 04.10.2024, annexed as Annexure-2 series to the present bail petition. The petitioner has five criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 14.11.2022.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Rosera, Samastipur in connection with Sessions Trial No. 117 of 2022 + 69 of 2024, arising out of Bithan P.S. Case No. 95 of 2019 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are



liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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