

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.51186 of 2016**

Arising Out of PS.Case No. -120 Year- 2016 Thana -DARBHANGA SADAR District-  
DARBHANGA

=====

Sunil Kumar Paswan, son of Gauri Shankar Paswan, Resident of Village-  
Madhopur Chikni, P.S.- Kudhni, District- Muzaffarpur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate  
Mrs. Babita Kumari, Advocate,  
Mr. Shashank Shekhar, Advocate  
Mr. Amit Kumar, Advocate  
For the Opposite Party : Mr. Atul Chandra, APP

=====

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      19-12-2016                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since  
16.10.2016 in connection with Darbhanga Sadar P.S. Case No.  
120 of 2016 registered for the offences punishable under Sections  
420, 467, 468, 471, 474, 484, 170 and 120B of the Indian Penal  
Code, Section 12 of the Indian Passport Act and Section 14 of the  
Foreigner Act.

The prosecution case, as lodged by the police  
personnel, is that on secret information house of one Banbari  
Yadav was searched and eight Bangladeshies were found residing



there who had some fake identifications and forged passport.

It has been submitted by the counsel for the petitioner that he is innocent, not named in the First Information Report and his name surfaced on the confessional statement of one Santosh Kumar, who has stated that another person was involved along with the petitioner, whose confessional statement has no evidentiary value in the eye of law. He further submits that petitioner has no criminal history and the article seized on raid at the premises of the petitioner, which is at paragraph 129 of the case diary, does not reveal any incriminating article so seized. He further submits that the Bangladeshies found in the house of another co-accused has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr.Misc.No.21376 of 2016 on 19.05.2016.

However, learned A.P.P. for the State submits that the petitioner has been named by the apprehended co-accused, hence, opposes the prayer for bail.

Considering the facts and circumstances of the case and submission of the parties, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,



Darbhanga at Laheriasarai in connection with Darbhanga Sadar  
P.S. Case No.120 of 2016, subject to the condition that:-

(i) one of the bailors would be close relative of the  
petitioner.

(ii) if the petitioner is found involved in similar  
type of case in future, the prosecution will be at liberty to make  
prayer for cancellation of his bail and the Court below will pass  
necessary order, including cancellation of bail and ;

(iii) that the petitioner would participate in the  
court proceeding and in the event of being absent on two  
consecutive dates without reasonable explanation, the court below  
will be at liberty to cancel the bail bonds of the petitioner.

With these observations and directions, this  
application stands allowed.

**(Nilu Agrawal, J.)**

Arjun/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

