

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48460 of 2017

Arising Out of PS.Case No. -4 Year- 2014 Thana -NABINAGAR District- AURANGABAD

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1. Surajmal Paswan Son of Hira Paswan, Resident of Village-Baghi, P.S.-
Nabinagar District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Pramod Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
23.06.2017 in connection with Nabinagar P.S. Case No. 04 of
2014 for offences punishable under Section 395 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that a dacoity was committed in his house by 10-15 persons, who
also committed dacoity in the house of one Manoj Kumar Rathore
and looted away cash, ornaments on gun point.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information



Report and his name surfaced on the confessional statement of co-accused Noor Alam, who has since been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 25753 of 2015 on 24.07.2015. He submits that no T.I. Parade has been done so far, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as eight cases are pending against him for similar offence.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Nabinagar P.S. Case No. 04/2014, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below



during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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