

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32756 of 2018

Arising Out of PS. Case No.-68 Year-2018 Thana- DESARI District- Vaishali

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Dharmjeet Paswan, S/o Rajgir Paswan, R/o Vill.- Ajampur , P.S.- Deshari
(Chandpura O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 27-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 29.03.2018 in connection with Deshari (Sahadei O.P.) P.S. Case No. 68 of 2018 for the offence registered under Section 379 and 411 of the Indian Penal Code.

Allegation against the petitioner is that he was caught red handed while trying to escape on motorcycle belongs to the informant. The seizure list does not indicate the recovery of the motorcycle from possession of the petitioner. The recovery from possession of the petitioner is said to have been his old Samsung mobile and one T-shaped master key made of iron. The seizure list does not bear any signature of the petitioner or even any prosecution witness. It is further submitted that though it is



alleged that the petitioner was caught red handed, the motorcycle in question was not found from the conscious possession of the petitioner, but was admittedly placed before the police after the petitioner has caught and had been severely beaten by the crowd at the place of occurrence.

Learned counsel for the petitioner submits that since the petitioner has no criminal antecedent and that he is willing to cooperate in the further investigation may be released on bail in this case.

Case diary in the present case was called for, which has since been received.

Learned counsel for the State after perusal of the case diary submits that the petitioner was caught red handed, on being confronted, as to whether, there is seizure list indicated that master key was also recovered from his possession. He further submits that seizure list appended to the FIR does not indicate the signature of the accused and as such the petitioner may be granted bail.

Learned counsel for the petitioner, however, submits that the petitioner has got no criminal antecedent and he may be released on bail.

Considering the aforesaid facts and circumstances of the case and the fact that the petitioner has already been in



custody nearly five months, let the petitioner, above named, be released 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 Additional Chief Judicial Magistrate-II, Vaishali at Hajipur, in connection with Deshari (Sahadei O.P.) P.S. Case No. 68 of 2018.

(Anjana Mishra, J)

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