

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18398 of 2020**

Arising Out of PS. Case No.-67 Year-2019 Thana- SAMSTIPUR RAIL P.S District-
Samastipur

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MITO PASWAN Son of Kishun Paswan Resident of Village - Hathwan, ward
No.9, P.S.- Alauli, Distt.- Khagariya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar
For the Opposite Party/s : Mr.Dr. Ajeet Kumar
Mr. Ashok Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 05-06-2020 The present petition has been taken up for
consideration through the mode of Video conferencing in
view of the prevailing lock-down on account of COVID 19
Pandemic, requiring social distancing.

Heard Sri Ajay Kumar, the learned counsel for the
petitioner and Sri Ashok Kumar, the learned APP for the
State.

The petitioner seeks regular bail in connection with
Samastipur Rail P.S. Case No. 67 of 2019, registered for the
offence punishable under Sections 328, 379 and 307 of the
Indian Penal Code.

The allegation is regarding unknown person having
offered sweets to the informant whereupon he fell asleep and



when he regained consciousness he found himself in the sub-divisional hospital, Jaynagar as also found that his mobile phone, gold ring, cash amounting to Rs. 21,000/-, gold chain and other articles had been taken away by the miscreant.

The learned counsel for the petitioner has submitted that the petitioner has not been named in the FIR and his name had transpired in the present case after ten months of the date of occurrence, upon confessional statement having been made by the co-accused person. It is further submitted that neither any Test Identification Parade has been held so as to connect the petitioner with the alleged crime nor any recovery has been made from the petitioner as far as the looted cash amount and jewelry is concerned. It is further submitted that the petitioner is having a clean antecedent and he is languishing in custody since 8.1.2020.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Considering the facts and circumstances of the case, the submissions advanced by the learned counsel for the petitioner and taking into account the fact that no Test Identification Parade has been held so as to ascertain the complicity of the petitioner herein, apart from the fact that the



petitioner is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on bail upon him furnishing personal bond to the satisfaction of the learned Railway Judicial Magistrate, 1st Class Samastipur in connection with Samastipur Rail P.S. Case No. 67 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Railway Judicial Magistrate, 1st Class Samastipur in connection with Samastipur Rail P.S. Case No. 67 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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