

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30502 of 2020**

Arising Out of PS. Case No.-92 Year-2019 Thana- GHANSHYAMPUR District- Darbhanga

MAHESH PASWAN @ BIKKY PASWAN Son of Dukhi Das Paswan @
Dukhi Paswan Resident of Village- Chikna, Ward No. -5, P.S.- Ghoghardiha,
District- Madhubani. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha,Advocate

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 26-11-2020 Heard learned counsel for the petitioner and Mr. Md.
Iftekhar Mahmood, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Ghanshyampur P.S. Case No. 92 of 2019 registered for the offence punishable under Section 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the FIR when the informant along with his cousin brother was going to village Kothal by his motorcycle, he was intercepted by three miscreants and they looted away the bag with cash from the informant and one of the miscreants fired shot on the leg of the informant's brother.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case, he is not named in the FIR and has not been identified in test identification parade. It is submitted that co-accused Chandan Yadav who has been identified in test identification parade has been allowed bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 68555 of 2019 on 25.10.2019. It is submitted



that the petitioner is on bail in the cases mentioned in paragraph '3' of the present application. The petitioner is in custody since 23.12.2019 in connection with this case.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that the petitioner is not named in the First Information Report, his name has transpired in the confessional statement of co-accused who has been granted bail by learned court below and further submission that co-accused Chandan Yadav from whose possession looted amount was recovered and was also identified in test identification parade has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. 68555 of 2019 on 25.10.2019, this petitioner has not been identified and no recovery has been made from his possession, he is in jail since 23.12.2019 and in the cases stated in paragraph '3' he is on bail, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Biraul, Darbhanga in connectin with Ghanshyampur P.S. Case No. 92 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to



the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

This application is allowed.

Let the records of Cr. Misc. No. 68555 of 2019 be returned.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

