

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.34147 of 2020**

Arising Out of PS. Case No.-91 Year-2020 Thana- ROSERA District- Samastipur

DILIP PASWAN Son of Jugal Paswan @ Yugal Paswan Resident of Village-  
Shahpur, Bhoja Ward No.01, P.S.- Khodawanpur (Chhaurahi O.P.), District-  
Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

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

2      16-12-2020              Learned counsel for the petitioner undertakes to  
  
remove all the defects as pointed out by office within four  
  
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Nand  
Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in  
  
connection with Rosera P.S. Case No. 91 of 2020 (G.R. No. 220  
of 2020) registered for the offences punishable under Section  
395 of the Indian Penal Code.

As per prosecution story, One Jeebachh Prasad  
Choudhary, the informant, gave a written report to the Inspector  
cum S.H.O., Rosera Police Station that on 07.03.2020, he along  
with his driver had gone to collect the dues money from Jai Ram  
Nath Chourasiya and other merchants and collected Rs.



4,14,450/- and also collected Rs. 3,95,360/- from different merchants of Alouli and while returning on the way four motorcycle riders looted the bag containing the collected money. It is alleged that the informant has full confidence that his driver Bechan Paswan has involved in the alleged occurrence.

Learned counsel for the petitioner submits that petitioner has not named in the First Information Report, his name has transpired in the statement of Bechan Paswan who was the driver of the vehicle, nothing has been recovered from conscious possession of this petitioner as also that petitioner has got no criminal antecedent.

Learned A.P.P. 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 statement of Bechan Paswan who was the driver of the vehicle when the said vehicle was intercepted and a sum of Rs. 4,14,450/- were looted away by four motorcycle borne miscreants. Learned counsel submits that as per allegations two persons were there on each of the motorcycles, police has extracted confessional statement



of this petitioner saying that he had received a share of Rs. 15,000/- but there is no recovery of any looted money from possession of the petitioner and no other incriminating material has been found from him, the confessional statement alone is not admissible in evidence, he has no criminal antecedent, investigation against him is complete and the trial is not likely to be concluded in near future, there being no submission behalf of the State that the release of the petitioner at this stage when the petitioner has remained in custody for nine months but the trial is not being concluded may result otherwise in interfering with the course of trial or tampering with the evidence, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera, Samastipur, in connection with Rosera P.S. Case No. 91 of 2020 (G.R. No. 220 of 2020) 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 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.

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.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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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'

