

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12498 of 2019**

Arising Out of PS. Case No.-24 Year-2011 Thana- DHIBRA District- Aurangabad

SATENDRA PASWAN @ SATENDRA PASWASN Son of Late Mohan
Paswan Resident of Village - Nimidih, P.S.-Dhibra, Dist.-Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 19-07-2021 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 learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Dhibra P.S. Case No. 24 of 2011 registered for the offences punishable under Section 147, 148, 149, 393, 307, 353, 427 of the Indian Penal Code, Section 17 of CLA Act and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in this case in the confessional statement of the co-accused Santan Bhuiyan. The F.I.R. was lodged against 300 unknown persons.



Learned counsel further submits that save and except the confessional statement there is no other material to connect the petitioner in the present case. He has not been put on Test Identification Parade and no incriminating article has been recovered from his possession.

Learned counsel further submits that the petitioner has got some criminal antecedents as stated in paragraph '3' but he is on bail in all those cases. Santan Bhuiyan who was the co-accused in this case has also been granted bail. In the present case, the petitioner was taken on remand on 10.07.2018 and while he was in custody in connection with other case since 10.09.2017, till date the charge has not been framed and the trial is not likely to be taken up in near future.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, but considering the facts and circumstances of the case and for the reasons in the form of submission of learned counsel for the petitioner, this court directs release of the petitioner above-named 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 Chief Judicial Magistrate, Aurangabad in connection with Dhibra P.S. Case No. 24 of 2011, 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.

