

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39193 of 2020

Arising Out of PS. Case No.-343 Year-2019 Thana- DESARI District- Vaishali

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Dipak Paswan, Son of Shivjee Paswan, Resident of Village - Panapur Kayam,
Police Station - Bidupur, District - Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-03-2021 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 Mr.
Jharkhandi Upadhyay, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Desari P.S. Case No. 343 of 2019 registered for

the offence under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that the

informant in his written report alleged that while he was on bail

four miscreants intercepted him and snatched the cash amount

and bag containing valuable documents.

Learned counsel submits that the petitioner is

innocent and has falsely been implicated in this case. It is



submitted that the petitioner has been dragged in this case on the basis of his confessional statement recorded by Police in another case and except that there is no material against him. The petitioner is in custody since 16.01.2020.

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 this Court has noticed that the petitioner is not named in the First Information Report, however, he has been involved in this case on the basis of a confessional statement recorded by Police when he was arrested in connection with Desari P.S. Case No. 16 of 2020, save and except the confessional statement there is no other material to connect him with the present case, out of four cases on his head, it is stated that in three cases the petitioner is on bail and in one case his application for bail is pending as informed to this Court and further that the petitioner has remained in jail in connection with this case since 16.01.2020, investigation against him is complete and there being no submission on behalf of the State that the release of the petitioner at this stage is likely to result in tampering with evidence or interfering with the course of trial, 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 Sri Rameshwar Mishra, learned Sub Judge- 16th -cum-Additional Chief Judicial Magistrate-15, Vaishali at Hajipur in connection with Desari P.S. Case No. 343 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 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)

vats/-

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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'

