

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8775 of 2022**

Arising Out of PS. Case No.-41 Year-2021 Thana- CHANDAUTI District- Gaya

Vijali Paswan @ Bhotha Paswan @BIJALI Paswan S/O Late Rajendra Paswan Resident Of Village- Kamaldah, Ps.- Pariaya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**

ORAL ORDER

5      18-08-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case registered for the offence punishable under Sections 457 and 380 of the Indian Penal Code.

Allegation is of looting of 8-10 kg gold and 50,000/- cash from a jewelry shop by unknown persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the name of the petitioner transpired in this case on the basis of confessional statement of other co-accused, namely, Anuj Paswan. Nothing has been



recovered from the possession of the petitioner. Till date, no Test Identification Parade (T.I.P) has been made yet. He also submits that the petitioner has been remanded in this case from Nardiganj P.S. Case No. 40 of 2021 on 03.07.2021 and since then he is languishing in judicial custody without any fault. It is further submitted that the charge-sheet has been submitted in the case and has antecedent of 13 cases and in all the cases, petitioner has been granted bail.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Gaya in connection with Chandauti P.S. Case No. 41 of 2021, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.



(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Khatim Reza, J)**

Gaurav Kumar/-

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