

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9204 of 2022

Arising Out of PS. Case No.-218 Year-2018 Thana- MAHESI District- East Champaran

Shambhu Paswan Son of Kishun Paswan Resident of Village - Gosai Tola,
P.s.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 14-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

In the present case, the petitioner seeks bail in
connection with Mehsi P.S. Case No. 218 of 2018 registered for
the alleged offences under Sections 395 and 120(B) of the
Indian Penal Code.

As per prosecution case, 6-7 miscreants committed
dacoity in the house of the informant and took away huge cache
of jewellery/ornaments and cash of Rs. 25,000/-. The informant
is said to be a jeweller. The name of the petitioner surfaced
during investigation as one of the accused persons involved in
the dacoity.



Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has been named in this case merely on the basis of confessional statement of co-accused persons Mithilesh Kumar and Ramayan Prasad. The petitioner was not put to any Test Identification Parade. Other co-accused persons have been granted bail by a Coordinate Bench of this Court vide order dated 01.06.2020 passed in Cr. Misc. No. 82306 of 2019 and order dated 26.06.2020 passed in Cr. Misc. No. 20113 of 2020, respectively. The petitioner is in custody since 15.07.2021 and charge sheet has been submitted.

Learned APP vehemently opposes the submission made on behalf of the petitioner submitting that the petitioner is a habitual offender and is accused in ten cases of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering the period of the custody of the petitioner and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Chief Judicial Magistrate-6th, East Champaran at Motihari in connection with Mehsi P.S. Case No. 218 of 2018, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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