

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11627 of 2022

Arising Out of PS. Case No.-168 Year-2021 Thana- HASPURA District- Aurangabad

JITENDRA PASWAN @JEETU @JITENDRA KUMAR Son of Rajnath Paswan Resident of Village - Bharub, P.s.- Obra, Distt.- Aurqangabad (Bihar), Presently residing at Village - Kishunpur, P.s.- Haspura, Distt.- Aurangabad. (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Haspura P.S. Case No.168 of 2021 registered for the offence under Section 395 of the I.P.C.

The accused/petitioner is not named in the F.I.R. and is in custody since 14.12.2021.

The allegation against the petitioner is to commit dacoity and while committing so, taken away five mobile phones, three lockets and cash of Rs. 1200/- of the informant.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Vinay Kumar Paswan. It has further been submitted that during course of the investigation, one mobile phone was recovered from the possession of the petitioner, but the specification of the said mobile is not matching with the mobile alleged to be looted in the occurrence, as per seizure list and as such the same mobile having no implication for present occurrence. It has further been submitted that petitioner was never put on TIP. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as recovered mobile from the possession of petitioner is of no matching specification as of mobile alleged to be looted, in the present occurrence coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Haspura P.S. Case No. 168 of 2021 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Munni Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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