

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10879 of 2022**

Arising Out of PS. Case No.-7 Year-2020 Thana- SHERGHATI District- Gaya

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Amit Paswan Son of Karu Paswan @ Rajendra Paswan Resident of Village-
Naknuppa, Police Station- Sherghati And District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No2

For the Opposite Party/s : Mr. Anil Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 14-06-2022 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 Sherghati
P.S. Case No. 07 of 2020 registered for the offence under
Section 392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 08.09.2021.

The allegation against the petitioner is to commit
robbery alongwith other co-accused persons and while
committing so, taken away Rs.86,300/- (Rupees Eighty Six
Thousand Three Hundred) in cash of the informant alongwith
other valuable articles.



Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused, Golu Kumar and in the furtherance of the said confession, nothing incriminating has been recovered from the conscious physical possession of the petitioner, which may suggest the involvement of the petitioner in the present occurrence. It has also been submitted that no T.I.P. has been conducted and also the chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence. So far as criminal antecedent of the petitioner is concerned, as mentioned in paragraph no.3 of the bail petition, it has been submitted that the petitioner is on bail in all five cases, as informed by the deponent of the present bail petition. While concluding the argument, it has been submitted that the F.I.R. named accused, namely, Golu Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Hon'ble Court vide order dated 22.12.2020 passed in Cr. Misc. No. 33765 of 2020.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that petitioner is not named in the F.I.R. and nothing incriminating has been recovered from the conscious physical possession of



the petitioner.

Considering the facts and circumstances as mentioned above, as the name of the petitioner surfaced on the confessional statement of co-accused, leading to no recovery, which may suggest the involvement of the petitioner in the alleged occurrence coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Sherghati P.S. Case No. 07 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing 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 present physically 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 Sumit Paswan, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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