

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14938 of 2022

Arising Out of PS. Case No.-460 Year-2021 Thana- KAHALGAON District- Bhagalpur

=====

AJNISH KUMAR PASWAN @ ASHIS PASWAN S/O AJAY PASWAN R/o
village- Sakrugarh Gas Godown, P.S.- Jirwabari, District- Shahebganj
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Madhuri Lata

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 28-09-2022 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 offences punishable under Section 395/397 of
the Indian Penal Code and added Section 412 of Indian Penal
Code & 27 of the Arms Act.

The prosecution case in short is that the F.I.R. is lodged
against five unknown miscreants. Allegation is that altogether
Rs. 2,23,675/- was looted from private Finance Bank and
several mobile phones and laptops of the employees of the said
bank were also snatched.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that petitioner was arrested in another case and remanded in this case and police recovered Rs. 2,01,000/- from his rented house. It is submitted that the said money was of the brother-in-law, namely, Amit Kumar Paswan, of the petitioner. The said Amit Kumar Paswan is a Branch Manager of Union Bank Of India, at present he has been posted in Nasik (Maharashtra). At the relevant time, he was in Sinora (M.P.). It is submitted that Amit Kumar Paswan transferred the said money through different modes for treatment of his wife (sister of the petitioner) and gave birth to a female child on 30.06.2021 in Lokseva Hospital, Bhagalpur. The so called recovered money was kept in the room of the petitioner for treatment of his sister and birth celebration (Chhati) of the child. It is further stated that the alleged seized money was not put up on Test Identification Parade nor the seized money was identified by anybody in Test Identification Parade. Learned counsel for the petitioner submits that it has come during the course of investigation that CCTV Camera was installed in the said bank but no CCTV was checked to verify the complicity of the petitioner in this case. It is stated that the petitioner was working



in NTPS Khahalgao, Bhagalpur at the time of alleged occurrence. It is submitted that till date only one witness has been examined and no Test Identification Parade has been conducted. Petitioner has been made accused only on the basis of self-confessional statement before police. It is further stated that other co-accused persons have been granted bail by this Court in Criminal Miscellaneous No. 18513 of 2022 (Bhola Pandit), Criminal Miscellaneous No. 14283 of 2022 (Arjun Singh) and Criminal Miscellaneous No. 21760 of 2022 (Sunny Kumar @Rahul) *vide* order dated 18.08.2022 and 09.09.2022, respectively. Further, it is submitted that the petitioner is in custody since 09.08.2021 and has antecedent of two cases.

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 Additional Sessions Judge-Vth, Bhagalpur in connection with Kahalgaon P.S. Case No. 460 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)

shanu/-

U		T	
---	--	---	--

