

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21354 of 2022

Arising Out of PS. Case No.-368 Year-2020 Thana- BELAGANJ District- Gaya

1. Arjun Paswan, S/O- Nathiu Paswan, Resident of Village- Krit Nawada, P.S.- Chandauti, District- Gaya
2. Bhutali Paswan, S/O Nathu Paswan, Resident of Village- Krit Nawada, P.S.- Chandauti, District- Gaya
3. Santu Kumar @ Bhanta, S/O Awadhesh Paswan @ Bhola Paswan, Resident of Village- Krit Nawada, P.S.- Chandauti, District- Gaya
4. Shatrudhan Paswan, S/O Krit Paswan, Resident of Village- Krit Nawada, P.S.- Chandauti, 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. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-10-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Vinod Kumar, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Belaganj P.S. Case No. 368 of 2020 registered for the offence punishable under Section 395 of the Indian Penal Code.

The prosecution case is based on a written report filed



by the informant alleging therein, that on 13/14.12.2020 at about 12 'o'clock in the night, 10-12 unknown persons have committed loot in several houses of the village of the informant and looted ornaments and other valuables apart from Rs. 11,00,000/- from different houses of the village. It is further alleged that all the accused persons have covered their faces and made open firing in the air and after committed *dacoity* in the house of the various persons, they fled away.

Learned counsel appearing on behalf of the petitioners submits that from the FIR, it would be evident that the informant has categorically stated that none of them identified the unknown *dacotis* and as such, the FIR has been instituted against 10-12 unknown miscreants. He next submits that during the course of investigation, the petitioners were apprehended on the basis of their criminal antecedent which is mentioned in paragraph no 3 of the bail application and save and except the suspicion and antecedent of the petitioners, there is no other material suggesting the complicity of the petitioners in the present crime. He next submits that neither the petitioners have been put on Test Identification Parade nor any incriminating material has been recovered, however, they are in custody since 15.06.2021 and after completion of the investigation, charge-



sheet has already been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation ample materials have come, suggesting the complicity of the petitioners in the present crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners were neither named in the FIR nor any incriminating material has been recovered from their person or possession, apart from the fact that they are in custody since 15.06.2021 and save and except the suspicion and criminal antecedent, there is no other material, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate II, Gaya in connection with Belaganj P.S. Case No. 368 of 2020 subject to the condition that one of the bailors will be the local residents/close relative of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date



of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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