

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17873 of 2022

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

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Anuj Paswan, Son of Shankar Paswan, Resident of Village - Kritnawada, P.S.-
Chandauti, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-10-2022 Learned counsel for the petitioner 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
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is 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 petitioner 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 petitioner was apprehended on the basis of his criminal antecedent which is mentioned in paragraph no 3 of the bail application and save and except the suspicion and antecedent of the petitioner, there is no other material suggesting the complicity of the petitioner in the present crime. He next submits that neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered, however, he is in custody since 15.06.2021 and after completion of the investigation, charge-sheet has already been submitted. While concluding his submission, learned counsel for the petitioner submitted at bar that the petitioner is on bail in all the cases except one as has been mentioned in paragraph no 3 of the bail application.



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 petitioner in the present crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither named in the FIR nor any incriminating material has been recovered from his person or possession, apart from the fact that he is in custody since 15.06.2021 and save and except the suspicion and criminal antecedent, there is no other material, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) 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 petitioner with further conditions which are as follows:-

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

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He 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, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. 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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