

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21047 of 2022

Arising Out of PS. Case No.-382 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

DHANJEE PASWAN Son of Late Sipahi Paswan Resident of Village -
Sidhauri, Police Station - Dalmiya Nagar, Dehri (T), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 26-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sasaram (M) P.S. Case No. 382 of 2021 registered for the
offences punishable under Sections 25(1-b)a, 26/35 of the Arms
Act.

As per prosecution case, informant gave written
statement on 23.10.2021 at about 02:15 AM stating therein that
informant received secret information that one Raju Kumar
Singh, Binod Kumar and Dilshad Ansari had committed loot in
Sasaram (M) P.S. Case No. 380 of 2021 along with other
persons. Thereafter, informant with other police officials



proceeded for raid. Meanwhile, informant saw two persons namely Raju Kumar Singh and Dilshad Ansari alias Pappu. On search informant recovered two mobile phones from Raju Kumar Singh and two mobiles from Dilshad Ansari alias Pappu in which one is looted mobile of Sasaram (M) P.S. Case No. 380 of 2021 and another mobile is of Samsung Company. Both of them disclosed name of three persons namely co-accused Binod Singh, co-accused Suraj Kumar Singh and present petitioner namely Dhanjee Paswan. There is alleged recovery of two mobile in question from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 24.10.2021. Petitioner bears criminal antecedent of one case. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner has been made accused and remanded in Sasaram (M) P.S. Case No. 380 of 2021. Petitioner was never put on TIP. Learned counsel further submits that two mobiles of Samsung company has been recovered from the possession of the petitioner which belongs to the petitioner. No any incriminating article or looted article has been recovered from the possession of the petitioner. The petitioner has been dragged



in the case without any cogent material. It has been submitted that Co-accused Raju Kumar Singh and Suraj Kumar have been granted bail by the co-ordinate bench of this court vide Cr. Misc. No. 9755 of 2022 and Cr. Misc. No. 11400 of 2022 respectively and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, nature of allegation, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, co-accused persons has already been granted bail and case of petitioner stands more or less on similar footing and also taking into consideration the material available on record, let the petitioner above named be released on bail 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, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 382 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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