

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21477 of 2022

Arising Out of PS. Case No.-27 Year-2019 Thana- DHURAIYA District- Banka

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UMESH PASWAN Son of Nundeo Paswan Resident of village - Marsa, P.S.-
Bounsi, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate.
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 16-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Akhauri Kamal Kishore Sahay, learned
counsel for the petitioner as well as Mr. Satyendra Narayan
Singh, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Dhoraiya P. S. Case No. 27 of 2019
registered for the offences punishable under Sections 395 and
397 of the Indian Penal Code.

As per the prosecution case, it is alleged that in the
mid-night of 1/2.02.2019, five miscreants covering their faces
entered into the house of the informant and looted cash of Rs.



2,79,000/- and other valuables.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown miscreants, however, during the course of investigation, the name of the petitioner surfaced on the confessional statement of Suman Kumar @ Suman Kumar Paswan and save and except the confessional statement of co-accused Suman Kumar @ Suman Kumar Paswan, there is no other material, which suggests the complicity of the petitioner in the present crime. It is next submitted that the petitioner was neither put on Test Identification Parade nor any incriminating material has been recovered from his person or possession. It is also submitted that one of the accused persons, namely, Shikander Paswan, whose name has also transpired on the confessional statement of co-accused persons has already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 63131 of 2019 vide order dated 14.10.2019. it is lastly submitted that this petitioner himself surrendered on 21.02.2022 and since then he is in judicial custody.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf



of the parties and taking into account the fact that the petitioner has neither named in the F.I.R nor any incriminating material has been recovered from his person or possession and moreover, other co-accused person having identical allegation has already been granted bail by learned co-ordinate Bench of this Hon'ble Court, let the petitioner, above named, 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 Judicial Magistrate 1st Class, Banka in connection with Dhoraiya P. S. Case No. 27 of 2019, subject to the condition that one of the bailors will be the 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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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