

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23334 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- CHANDAUTI District- Gaya

1. Arjun Paswan Son Of Nathiu Paswan Resident Of Village - Krit Nawada, P.S.- Chandauti, Distt.- Gaya.
2. Bhutali Paswan Son Of Nathu Paswan Resident Of Village - Krit Nawada, P.S.- Chandauti, Distt.- Gaya.
3. Santu Kumar @ Bhanta Son Of Awadhesh Paswan @ Bhola Paswan Resident Of Village - Krit Nawada, P.S.- Chandauti, Distt.- Gaya.
4. Shatrudhan Paswan Son Of Krit Paswan Resident Of Village - Krit Nawada, P.S.- Chandauti, Distt.- 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. Manoj Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 21-09-2022 A supplementary affidavit has been filed on 29.08.2022 with regard to bail petition filed on behalf of all petitioners and other defects as pointed out by the office through online.

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

The petitioners seek bail in connection with a case registered for the offences punishable under Sections 457 and 380 of the Indian Penal Code.

Allegation is of looting of 8-10 kg gold and 50,000/- cash from a jewelry shop by unknown persons.



Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. It is further submitted that F.I.R. was lodged against unknown persons and there is no specific allegation of looting against the petitioners. During the course of investigation, petitioners' name transpired in this case only on the basis of the confessional statement of another co-accused, Anuj Paswan, who has already been granted bail by this Court *vide* order dated 18.08.2022, passed in Criminal Miscellaneous No. 26484 of 2022. Nothing has been recovered from the conscious possession of the petitioners. Till date, no Test Identification Parade (T.I.P) has been made. Further, it is submitted that the petitioners are in custody since 18.06.2021, charge-sheet has been submitted in the case and have antecedent of seven cases.

Learned A.P.P for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of this case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Gaya in connection with Chandauti P.S. Case No. 41 of 2021, subject to the following conditions:-



1. Petitioners shall co-operate in trial and shall be properly represented on each and every dated fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates with sufficient reason, their bond shall be cancelled by the Court below.

2. One of the bailors will be their own blood relation, preferably father, mother, brother, sister or his wife.

3. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Gaurav Kumar,
Sankalp/-

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