

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34706 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- JAHANABAD District- Jehanabad

AMERIK PASWAN, S/O JAGRAUSHAN PASWAN, R/O VILLAGE-
BHITIHA, O.P.- KARAUNA, P.S. AND DIST.- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar Ray, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 21-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 03.02.2021, seeks
regular bail in connection with Jehanabad (Karauna O.P.) P.S.
Case No. 59 of 2021 registered for offences punishable under
Section 395 of the Indian Penal Code.

Prosecution case, in brief, is that on 23.01.2021 at
about 11:00 p.m., informant Raju Chaudhary was sleeping in the
room with his wife Punam Devi then a man aged about 28-29
years wearing mask on his face most probably he was Kmlesh
Paswan came there who used to come informant's house since



last four days for consuming toddy having arm in his hand and took out the *Mangal Sutra*, Gold ring and tops from the informant's wife and on the gun point, he brought them in the corridor where four other accused persons were also present. It is further alleged that on *hulla*, the mother and daughter of the informant woke up but they were also confined in kitchen and all the accused persons took away ninety five thousand rupees, various house hold articles, jewellery and a mobile phone. The accused persons assaulted the informant due to which he sustained injuries over head and thigh.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case after ten days of alleged incident and he was forced in police custody to give his confessional statement. Nothing has been recovered from the conscious possession of the petitioner. He further submits that petitioner has clean antecedent and he is in custody since 03.02.2021.

Learned A.P.P., however, opposes the prayer for bail.

Considering the facts and circumstances of the case as well as there is no allegation of tempering the evidence or influencing the witnesses and the fact that trial is not going to be concluded in near future, the petitioner above named is directed



to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Jehanabad in connection with Jehanabad (Karauna O.P.) P.S. Case No. 59 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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