

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40366 of 2021

Arising Out of PS. Case No.-689 Year-2020 Thana- NAGAR District- Vaishali

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VISHAL KUMAR S/O SHIV KUMAR PASWAN R/O VILLAGE-
DAYALPUR, P.S.-RAJAPAKAR (BRANTI O.P), DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Hajipur Town Police Station Case No. 689 of 2020, registered
for the offences punishable under Sections 392 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution story, as per the First Information
Report, is that the informant was intercepted by three miscreants
riding on a motorcycle and on gun point they looted a sum of
Rs. 1,00,000/- from the informant.

Learned Counsel for the petitioner submits that
petitioner is not named in the First Information Report and his
name has transpired on the basis of confessional statement made
by arrested co-accused Chhotu Kumar as well as confessional



statement of the petitioner recorded in Hajipur Industrial Area Police Station Case No. 373 of 2020. He next submits that no incriminating material and/or looted money has been recovered from the possession of the petitioner and the petitioner has also not been put on Test Identification Parade as yet. He further submits that similarly situated co-accused persons, namely, Mintu Paswan and Kali Paswan, have been granted bail by this Court, vide orders, passed in Criminal Misc. Nos. 32650 and 33301 of 2021. He further submits that the petitioner is in custody since 01.12.2020 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that no looted money has been recovered from the possession of the petitioner, the petitioner has also not been put on Test Identification Parade as yet, similarly situated co-accused persons have been granted bail by this Court, charge sheet has already been submitted and the petitioner is in custody since 01.12.2020, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, at Hajipur, in connection with Hajipur Town Police Station Case No. 689 of 2020, subject to the following conditions:

(1) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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