

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34426 of 2022**

Arising Out of PS. Case No.-26 Year-2021 Thana- BUNIYAD GANJ District- Gaya

1. Arjun Paswan S/o Nathiu Paswan Resident of Village- Krit Nawada, P.S.- Chandauti, District- Gaya.
2. Bhutali Paswan S/o Nathu Paswan Resident of Village- Krit Nawada, P.S.- Chandauti, District- Gaya.
3. Santu Kumar @ Bhanta S/o Awadhesgh Paswan @ Bhola Paswan Resident of Village- Krit Nawada, P.S.- Chandauti, District- Gaya.
4. Shatrudhan Paswan S/o- Krit Paswan Resident of Village- Krit Nawada, P.S.- Chandauti, District- 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. Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      23-09-2022                      Heard learned counsel for the petitioners and learned  
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Buniyadganj P.S. Case No. 26 of 2021 registered for the alleged offences under Section 395 of the Indian Penal Code.

As per prosecution case, a dacoity was committed in



the residence-cum-hotel of the informant in which he also used to run a *kirana* shop. The dacoits took away more than Rs. 50,000/- in cash apart from a number of jewellery items, TV, laptop, invertor, stabilizer, bond paper of LIC, mobile phones and other documents. The name of the petitioners transpired as an accused persons during investigation.

The learned counsels for the petitioners submit that the petitioners are innocent and has been falsely implicated in this case. The petitioners were not apprehended from the spot and nothing incriminating has been recovered from their conscious possession. The petitioners have been named in this case on the basis of confessional statement of co-accused Anuj Paswan. The petitioners have been remanded in this case from Chandauti P.S. Case No. 27 of 2021. No test Identification Parade has been conducted to identify the miscreants. The petitioners have been made accused by the police in other cases as well and five such cases are pending against the petitioners. The petitioners are in custody since 06.03.2021 and charge-sheet has been filed.

Learned APP opposes the prayer for bail submitting that the petitioners are a member of a gang of dacoits and they are habitual offenders and are having a number of cases pending



against them for dacoity.

Having regard to the submissions made hereinabove and considering the period of custody of the petitioners along with the submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Gaya in connection with Buniyadganj P.S. Case No. 26 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Rajnish/-

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