

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34797 of 2022

Arising Out of PS. Case No.-324 Year-2021 Thana- OBRA District- Aurangabad

AKHILESH PASWAN @ AKHLESH PASWAN S/o Late Ram Tilak Paswan
@ Ram Talika Paswan R/o- Noanv, P.S.- Obra, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Obra P.S.
Case No. 324 of 2021 registered for the offences punishable
under 399/402 of the Indian Penal Code read with Sections
25(1-b)a/26/35 of the Arms Act.

As per prosecution case, informant got secret
information that some criminals are planning criminal activity
on the bank of Sone River. It is alleged that a pointed triangular
small iron road and one Samsung keypad mobile was recovered
from the possession of the petitioner.

Learned counsel for the petitioner submits that



petitioner is in custody since 13.12.2021. Petitioner bears two criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that similarly situated co-accused Shiv Paswan has already been granted bail vide Cr. Misc. No. 26826 of 2022 by a co-ordinate bench of this Court and case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Aurangabad, District Aurangabad in connection with Obra P.S. Case No. 324 of 2021, subject to following conditions:-

- (i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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