

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50912 of 2021

Arising Out of PS. Case No.-48 Year-2019 Thana- BAISI District- Purnia

Vinod Paswan @ Vinod Kumar Paswan, Son of Ram Bilash Paswan, Resident of Gulabbagh, P.S.- Purnea Sadar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-03-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Baisi P.S. Case No. 48 of 2019 for the offences under Sections 379 and 356 of the Indian Penal Code. Later on, Sections 395 and 412 of the Indian Penal Code has been added.

The prosecution case in short is that the informant is said to be running a customer service point. On the evening of the alleged date of occurrence he closed his shop and proceeded to his house with Rs.3,00,000/- (Three lakh) and other articles. While the informant was on his way, a blue colour Apachi



Motorcycle overtook him and the miscreants snatched the bag and ran away.

From paragraph 3 of the petition it appears that the petitioner has also been found involved in other three criminal cases.

However, it is submitted on behalf of the learned counsel for the petitioner that the petitioner was arrested in connection with Purnia (Sadar) P.S. case no. 432 of 2018 on 08.02.2020 and thereafter he has been remanded in all other cases. It is also submitted that though the articles were put on TIP, but irrespective of the fact that the petitioner is in custody since 20.02.2020 he has not been put on TIP and further no other incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the name of the petitioner transpired in the confessional statement of co-accused Bikesh Rai, who has already been granted regular bail by the court below itself. Lastly, it is submitted that one another co-accused, namely, Munna Kumar Sony, has also been granted regular bail by a co-ordinate Bench of this Court in Cr. Misc. No. 83496 of 2019 vide order dated 14.01.2020. A copy of which has been produced by the learned counsel for the petitioner and the same is taken on record.



On the other hand, Mr. Raj Ballabh Singh, learned counsel for the State vehemently opposes the prayer for bail of the petitioner on the ground that the looted articles have been identified by the informant and the case of the petitioner is not similar to that of other co-accused persons.

Having considered the rival submissions of the parties, it is evidently clear that the petitioner is in custody since 20.02.2020, but till date he has not been put on TIP and moreover the involvement of the petitioner in other three cases are concerned, he has been remanded in the said cases.

Considering the aforesaid facts and the materials available on record, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No. 48 of 2091 subject to the following conditions:

(a) One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(b) The petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Harish Kumar, J)

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