

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51816 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- BODHGAYA District- Gaya

DULAR CHAND PASWAN @ RAM DULAR PASWAN Son of Late Ram
Balak Paswan Resident of Village - Sagahi, P.S. - Gurua, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv.
For the Opposite Party/s : Ms.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Ms. Gulnar Begum.

The petitioner seeks regular bail in connection with S.Tr. No. 207 of 2021 arising out of Bodh Gaya P.S. Case No. 260 of 2020, registered for the offence punishable under Section 395 of the Indian Penal Code.



The allegation is regarding unknown miscreants having intercepted the petitioner while he was travelling on his motorcycle along with his companion and then, the said miscreants totalling six in number had looted cash amount of Rs. 32,000/- and Rs. 1,39,000/- respectively from the informant and his companion, apart from having snatched other documents from the possession of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 16.1.2021. The learned counsel for the petitioner has further submitted that no Test Identification Parade has been held till date so as to connect the petitioner with the alleged crime. It is also submitted that neither the looted cash amount nor the looted articles have been recovered from the conscious possession of the petitioner and his name has transpired in the present case merely on the basis of the



confessional statement made by the co-accused persons.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that no Test Identification parade has been held till date so as to connect the petitioner with the alleged crime and moreover, neither the looted cash amount nor the looted articles have been recovered from the conscious possession of the petitioner, apart from the fact that his name has transpired in the present case merely on suspicion, upon disclosure being made by the co-accused persons in their confessional statement, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail



bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-IV, Gaya in connection with S.Tr. No. 207 of 2021 arising out of Bodh Gaya P.S. Case No. 260 of 2020.

(Mohit Kumar Shah, J)

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