

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53516 of 2021**

Arising Out of PS. Case No.-954 Year-2020 Thana- FORBESGANJ District- Araria

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AASHISH PASWAN S/O PRAMOD PASWAN RESIDENT OF VILLAGE-
DHOLBAJJA, P.S. FORBESGANJ, DISTRICT- ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Forbesganj P.S. Case No. 954 of 2020 registered for the offence under Sections 392 of the Indian Penal Code.

Four miscreants are said to have assaulted the informant and on the point of gun, looted his cash of Rs. 45,000/- along with two mobile sets and key of his motorcycle.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, the petitioner has not been named in the F.I.R.



but he has been made accused in this case merely on the basis of confessional statement of the co-accused, namely, Md. Tabrej. Save and except the confession, no cogent material has come against the petitioner during course of investigation nor anything incriminating has been recovered from his conscious possession. Moreover, the co-accused, namely, Md. Tabrej, who disclose the name of petitioner, has already been granted bail by a co-ordinate Bench of this Court vide order dated 30.09.2021 passed in Cr. Misc. No. 38352 of 2021 and the co-accused, namely, Anshu Kumar Sah has also been granted bail by this Court vide order dated 22.11.2021 passed in Cr. Misc. No. 26840 of 2021. The petitioner is rotting in judicial custody since 01.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one as is evident from paragraph-3 of the petition.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 954 of 2020 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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