

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58864 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- PURNEA SADAR District- Purnia

Bechan Kumar Paswan @ Bechan Paswan, Son of - Prakash Paswan @
Prakash Kumar Paswan, Resident of - Garhiya Baluwa, P.S. - K. Nagar,
District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Fazle Karim, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 petitioner seeks bail in connection with Purnea Sadar P.S. Case No. 39 of 2020 registered for the alleged offences under Section 395 of the Indian Penal Code.

As per prosecution case, unknown miscreants on three motorcycles surrounded the informant and at gunpoint snatched his bag containing Rs. 1,10,383/-, Aadhar Card, Bank Identity Card of Bandhan Bank. Later on, during investigation,



the name of the petitioner transpired as one of the accused persons.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused Jamaluddin. Nothing incriminating has been recovered from his conscious possession. This petitioner was firstly arrested in connection with K. Nagar P.S. Case No. 26 of 2020, thereafter he was implicated by the police in altogether 11 cases, out of which, he is on bail in 9 such cases. The petitioner has not put to any Test Identification Parade and he is in custody since 20.06.2020.

Learned APP opposes the prayer for bail submitting that from this petitioner, two country made pistol with two live cartridges, cash of Rs. 29,280/- and a mobile phone were recovered when the police searched him on the basis of confessional statement of co-accused Jamaluddin.

Perused the records.

Having regard to the facts and circumstances and considering the submission of charge-sheet in this case and the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/-



(twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Purnea in connection with Purnea Sadar P.S. Case No. 39 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the deponent, who has sworn the affidavit.

(iii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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