

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60072 of 2021

Arising Out of PS. Case No.-78 Year-2019 Thana- AMBA District- Aurangabad

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Akash Paswan S/O Jodhan Paswan Resident Of Village- Okari, P.S.- Ghoshi,
District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate
For the Opposite Party/s : Mrs. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 08-02-2022 The applicant/accused in Crime No. 78 of 2019

registered with Amba Police Station for the offence punishable
under Section 379 of the Indian Penal Code, by this application
is seeking his release on bail during pendency of the trial after
filing of the charge sheet.

The applicant is given out of turn hearing because he
is appearing in the examination conducted by the Bihar School
Examination Board, Patna.

Heard the learned counsel appearing for the
applicant/accused and learned Additional Public Prosecutor for
the State.

Learned counsel for the applicant submits that the
FIR is against unknown persons and the applicant is being
roped in the subject crime only because of confessional



statement of the co-accused.

The learned Additional Public Prosecutor opposed the application by contending that the complicity of the applicant in the subject crime is clear from the papers of investigation.

I have considered the submissions so advanced and also perused the materials placed before me.

The investigation of the subject crime is over and the applicant is in jail since 28.06.2021. The FIR is against unknown persons. There is no recovery from possession of the applicant. Hence, I see no reason to deny bail to the applicant and therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No.78 of 2019 registered with Amba Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.



(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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