

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54141 of 2022**

Arising Out of PS. Case No.-93 Year-2022 Thana- GURUA District- Gaya

Upendra Paswan Son of Late Ram Jatan Paswan R/V- KajiTola, Kurthiatand,
P.S- Gurua, Dist- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bachan Ji Ojha, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Ms. Sangeeta Sharma, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Gurua P.S. Case No. 93 of 2022 registered for the offences punishable under Section 395 of the Indian Penal Code. He is in custody since 09.05.2022. The petitioner has got four criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 31.03.2022 at 11:30 P.M., the informant Rajendra Yadav was sleeping outside his house then a person came there and asked him to give a bowl and bucket to drink water. On that, he replied that there is a handpump, go there and drink water.



In the meanwhile, 10-12 persons came there and on the point of pistol, they made him open the gate and entered the house and after tying the hands, feet and mouth of the family members of the informant, the accused persons looted all the belongings of his house such as valuable articles, ornaments, utensils and new wearing clothes as also documents of his son. Further he stated that one of the miscreants was identified as Awadhesh thereafter the house of Akhilesh Das of Village- Bara was also looted.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 09.05.2022.

Learned counsel submits that the petitioner is not named in the FIR and till date no test identification parade has been conducted.

Ms. Sangeeta Sharma, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is not named in the F.I.R., he has not been put on Test Identification Parade, there is no recovery from his possession, he is in custody since 09.05.2022 and there being no submission on behalf of the State that the release of the petitioner



is not likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati, Gaya in connection with Gurua P.S. Case No. 93 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

vats/-

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