

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54448 of 2022

Arising Out of PS. Case No.-161 Year-2019 Thana- GORAUL District- Vaishali

BITTU PASWAN Son of Arvind Paswan Resident of Village - Mahadeo Math
, P.S.- Mahua, Distt.- Vaishali.,

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard Ms. Bela Singh, learned counsel for the

petitioner and learned APP for the State in Virtual Court

Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under section 395 of the
Indian Penal Code, in connection with Goraul (Katahara O.P.)
P.S. Case No. 161 of 2019.

As per the prosecution story, the informant has
alleged that the accused persons entered his jewellery shop and
asked to show some gold ornaments. As he was showing the
same to them, some more accused persons entered and on the
gun point looted around 1 kg. gold worth Rs. 26 lakhs.
Accordingly, the FIR was lodged.



The police investigated the matter and subsequently got the petitioner remanded from another case on 20.1.2022 (as stated in para-13 of the bail application).

Learned counsel for the petitioner submits that he is in custody since 20.1.2022 and the informant had stated in the FIR itself that he can identify the accused persons but no TIP has been done nor anything incriminating allegedly looted from his jewellery shop has been recovered from either his possession or from his house.

Taking into account the aforesaid fact that he is in custody since 20.1.2022 in this case but no TIP has been done nor anything has been recovered (as has been claimed in the bail application), the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail with strict condition considering the fact that he has 8 criminal cases registered against him.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Vaishali, in connection with Goraul (Katahara O.P.) P.S. Case No. 161 of 2019 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall leave his district (Vaishali) for a period of six months after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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