

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67173 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- DIGHWARA District- Saran

RAMESH PASHWAN Son of Ram Prasad Paswan @ Sriram Prasad Resident
of Village- Hematpur, P.S.- Dighwara, District- Saran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kr. Singh No.1
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dighwara
P.S. Case No. 127 of 2021 registered for the offence under
Sections 394, 395, 397 and 120(B) of the Indian Penal Code and
Section 27 of Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 25.05.2021.

The allegation against the petitioner is to commit
robbery, while committing so, taken away total cash of Rs.
9,00,000/- (Rupees Nine Lac) from the informant along with
other co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in the present case. It is submitted that petitioner was never put on TIP, during course of investigation and also that the alleged looted cash has not been recovered from conscious physical possession of the petitioner. Learned counsel also submitted that looted cash is without any details and denomination. It is also submitted that name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Krishna Ram, who has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 41024 of 2021 dated 03.01.2022. It is also submitted that the petitioner is involved in one other case, in which, he is on bail.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered from the conscious physical possession of the petitioner as per seizure list in furtherance of confessional statement of co-accused coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Dighwara P.S. Case No. 127 of 2021



on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge V, Saran/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Rajnish Kumar Raj, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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