

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9583 of 2023

Arising Out of PS. Case No.-566 Year-2020 Thana- WAJIRGANJ District- Gaya

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Anuj Paswan Son Of Shankar Paswan Resident Of Village- Krit Nawada,
P.S.- Chandauti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-04-2023 Heard Mr. Sudhir Kumar Sinha, learned counsel

appearing on behalf of the petitioner and Mr. Ajay Kumar Jha,

learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks regular bail in connection with
S.Tr. No. 293 of 2021 arising out of Wazirganj P.S. Case No.
566 of 2020, for the offence punishable under Section 395 of the
Indian Penal Code.

3. Learned counsel appearing on behalf of petitioner
informs this Court that as on date trial has not proceeded and the
same is substantiated by the Report of the learned I/c Additional
Sessions Judge-I, Gaya contained in Letter No. 353 dated
22.03.2023. The allegation as made in the F.I.R. is that 8
unknown miscreants entered into the house of the informant and
on the point of gun, they looted golden jewelry, documents, cash
of Rs. 70,000/- and another articles. The bail application of the



petitioner was rejected on the ground that petitioner's criminal antecedent is not clean and it would be injurious to the society to release the petitioner on bail.

4. Learned APP has opposed the prayer for grant of bail to the petitioner.

5. Considering the fact that petitioner has made out a case that no progress has taken place in conduct of the trial and other similarly situated co-accused have been released on bail and the fact that the trial has not commenced, let the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Gaya in connection with S.Tr. No. 293 of 2021, arising out of Wazirganj P.S. Case No. 566 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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