

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6884 of 2022

Arising Out of PS. Case No.-762 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

UTTAM KUMAR @ UTAM PASWAN S/O SRI RAMESHWAR PASWAN
R/o village- Dighi Kala Pachimi, P.S.- Hajipur Sadar, District- Vaishali
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh, Advocate
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-01-2023 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with Vaishali Sadar PS case no. 762 of 2020 instituted for the offences punishable under Section 392 of Indian Penal Code.

The case of the prosecution in brief is that while the informant was at his jewellery shop on 18.11.2020 at 7.15 pm, four miscreants had arrived there on a motorcycle and had, on pistol point, looted the ornaments from the shop of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 22.01.2021. It is further submitted that the petitioner is an accused in five other criminal cases but he is on bail in all the said five cases. It is also submitted that no any test identification parade has been conducted



so as to connect the petitioner with the alleged crime and moreover, the petitioner has been remanded in the present case on 22.01.2021, whereafter his confessional statement has been recorded and then a gold chain and one pair necklace have been recovered from his house, nonetheless, it is submitted that the petitioner is ready and willing to abide by any such condition, as is deemed fit and proper to be imposed, for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no test identification parade has been conducted so as to connect the petitioner with the alleged crime, however, considering the fact that some ornaments have been recovered from the house of the petitioner and the petitioner is having a bad antecedent, though I deem it fit and appropriate to admit the petitioner to the privilege of bail, however, subject to certain conditions.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the



satisfaction of learned J.M. 1st class, Vaishali at Hazipur in connection with Vaishali Sadar PS case no. 762 of 2020.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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