

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14329 of 2023

Arising Out of PS. Case No.-613 Year-2022 Thana- NAGAR District- Vaishali

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Balwant Kumar Paswan @ Balbant Paswan @ Ballam @ Ballam Paswan S/O
Hiralal Paswan R/v- Khoksa Kalyan, P.S.- Desari, District- Vaishali
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abbhishek Kumar, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Hajipur Town P.S. Case No. 613 of 2022 registered on 13.08.2022 for the alleged offences under Sections 414/34 of the Indian Penal Code and Sections 25(1-b)a/26 of the Arms Act.

3. As per prosecution case, the police was in search of the petitioner as he was accused in some other case. The police received information about petitioner being at some identified place and the petitioner was apprehended from there and from his possession a country made katta loaded with one live cartridge was recovered apart from one live cartridge from his pocket. The petitioner admitted his involvement in the loot of gold from Muthut Finance and at his instance Rs.50,000/-



was recovered from his house and the co-accused person to whom the gold was sold was also apprehended and recovery was made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner became the victim of circumstances. The real fact is that the actual culprit fled away from the spot and the petitioner was apprehended on suspicion. Learned counsel further submits that it is also apparent from the FIR that though on the disclosure of the petitioner raid was conducted in the house of co-accused persons but nothing incriminating has been recovered from their houses. The recovered articles from the jewellery shop of co-accused are common articles and the same were not put to Test Identification Parade. The petitioner is in custody since 14.08.2022 and charge sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that the petitioner was apprehended with firearms and he admitted his involvement in selling of looted article and further this petitioner is having criminal antecedent and is accused in six cases of similar nature.

6. Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of charge-sheet,



the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court in connection with Hajipur Town P.S. Case No. 613 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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