

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17206 of 2023

Arising Out of PS. Case No.-33 Year-2021 Thana- WAJIRGANJ District- Gaya

HIRDAY PASWAN @ HRIDAY PASWAN SON OF SHANKAR PASWAN
RESIDENT OF VILLAGE- KRIT NAWADA, PS CHANDAUTI,
DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 06.04.2021
in connection with S. Tr. No.36/2022/58 of 2022, arising out of
Wazirganj P.S. Case No.33/2021, F.I.R. dated 18.01.2021, for the
offences punishable under Sections 395 and 397 of the IPC.

According to prosecution case, 4-5 unknown persons
entered into the house of the informant, looted away sewing
machine, one LCD Tv, one laptop, two mobile set and other gold
and silver jewelries and cash of Rs. 7000/- from the house of the
informant.

Learned counsel for the petitioner submits that petitioner
has falsely been implicated in the present case. He further submits
that the petitioner is not named in the F.I.R. The name of the



petitioner has been transpired during investigation on the basis of confessional statement of the co-accused, namely, Anuj Paswan. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no T.I.P. has been conducted by the prosecution and except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Anuj Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 14.12.2022 passed in Cr. Misc. No.60203/2022 and another co-accused, namely, Shatrughan Paswan @ Jhotali and others have been granted bail vide order dated 14.12.2022 passed in Cr. Misc. No.5368/2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 06.04.2021.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries eight criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District



and Sessions Judge-X, Gaya in connection with S. Tr. No.36/2022/58 of 2022, arising out of Wazirganj P.S. Case No.33/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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