

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 19196 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- SUPAUL District- Supaul

AMRENDRA PASWAN @AMRENDAR PASWAN Son of Late Bhikhari
Paswan @ Late Bhikhar Paswan Resident of village - Bel Mohan, P.S.-
Phulparas, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

4 31-01-2023

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for the
State of Bihar.

The petitioner seeks bail in Supaul Police Station (for
brevity, PS) Case No 33 of 2021 dated 11.01.2021 registered for the
offence punishable under Section 395 of Indian Penal Code and
Sections 3, 4 of Explosive Substances Act.

The allegation, as per the First Information Report, is that
5 – 6 unknown miscreants entered into the house of the informant
and committed dacoity on gun point and looted a sum of Rs
1,00,000/- in cash, 200 grams of gold ornaments, 5 kilograms of
silver ornaments etc.

Learned counsel for the petitioner submits that petitioner
has not committed any offence in the manner, as alleged. He further
submits that petitioner is not named in the FIR and his name has
transpired in the confessional statement of co-accused Badal Paswan
recorded in Supaul PS Case No 54 of 2021. it is also submitted that
the name of the petitioner has been inserted in the statement of co-
accused recorded in police custody merely for the fact that the
petitioner has 11 antecedents. He is on bail in all the cases pending
against him since before and is in custody in connection with this



case since 26.07.2021. It is also submitted that co-accused Pramukh Paswan, Gopal Prasad Yadav @ Gopal Yadav and Sonu Sharma have already been granted bail by orders dated 17.08.2022, 19.10.2022 and 04.01.2023 passed in Cr Misc No 41676 of 2022, Cr Misc No 51133 of 2022 and Cr Misc No 73164 of 2022 respectively. Co-accused Badal Paswan, who has taken the name of petitioner, has also been released on bail by this Court today in Cr Misc No 11665 of 2022. It is further submitted that some looted articles have been allegedly recovered from the house of the petitioner but no Test Identification Parade was conducted for the looted articles.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of implication, period of custody, claim based on parity as well as the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Supaul in Supaul PS Case No 33 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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