

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20094 of 2023

Arising Out of PS. Case No.-648 Year-2022 Thana- BAKHTIYARPUR District- Patna

Vijay Paswan @ Vijay Kumar S/O- Gaya Paswan Village- Fatehchand Ps-
Barh Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Bakhtiyarpur P.S. Case No. 648 of 2022
registered on 24.12.2022 for the alleged offences under Section
395 of the Indian Penal Code.

04. As per prosecution case, six miscreants looted the
tractor loaded with two hundred bags of cement of the informant
on gunpoint. They also took away a mobile and some case from
him. The name of petitioner surfaced in this case on the basis of
confessional statement of co-accused who was apprehended
during investigation.



05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner. Except for suspicion, there is nothing against the petitioner, as he was arrested by the police on the basis of confessional statement of co-accused Sumit Kumar. The looted tractor along with cement was recovered, but no from the possession of this petitioner. Even the allegation against the petitioner in confessional statement is only that he was also involved in hiding and selling the looted articles. The petitioner is in custody since 20.01.2023 and charge-sheet has been submitted. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail submitting that the name of petitioner transpired in the confessional statement of co-accused.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him with the offences as alleged and further considering the period of custody of the petitioner along with 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 Additional Chief Judicial Magistrate-III, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 648 of 2022 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(I) The bail bond of the petitioner will be accepted after verification of his criminal antecedent.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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