

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20989 of 2023

Arising Out of PS. Case No.-32 Year-2022 Thana- BARGAINIA District- Sitamarhi

Virendra Paswan Son of Ramchandra Paswan Resident of village - Sonar
(Ashogi), P.S.- Riga, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bairgania P.S. Case No. 32 of 2022 registered on 03.02.2022 for the alleged offences under Section 395 of the Indian Penal Code.

3. As per prosecution case, a dacoity was committed in the house of the informant and the dacoits took away Rs. 7,50,000/- cash and a number of gold and silver ornaments worth Rs. 32,50,000/-. The name of the petitioner surfaced during investigation as one of the dacoits involved in the occurrence.



4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner or even at his instance. The petitioner has been named in this case on the basis of confessional statement of co-accused from Bairgania P.S. Case 44 of 2022. No Test Identification Parade has been conducted to establish the identity of this petitioner. Learned counsel further submits that co-accused Anil Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 10.04.2023 passed in Cr. Misc. No. 5592 of 2023 and co-accused Arun Kumar has been granted bail by this Court vide order dated 15.05.2023 passed in Cr. Misc. No. 11696 of 2023. The case of the petitioner is on similar footing. Learned counsel further submits that petitioner is accused in four other cases i.e. (1) Riga P.S. Case No. 53/2018, (2) Bargainia P.S. Case No. 44/2022 (3) Suppi P.S. Case No. 07/22 and (4) Riga P.S. Case No. 12/22. The petitioner is in custody since 03.08.2022 in this case and charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that petitioner is having criminal antecedent and he is accused in four such cases.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery of any incriminating material has been shown from the petitioner or at his instance and further considering his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Sitamarhi/court concerned in connection with Bairgania P.S. Case No. 32 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 bond of the petitioner will be liable to be cancelled by the court concerned.
- (iv) Apart from the criminal antecedent mentioned above, if any criminal antecedent of



this petitioner is found, his bail bond will not be
accepted.

(Arun Kumar Jha, J)

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