

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21100 of 2023

Arising Out of PS. Case No.-298 Year-2019 Thana- DESARI District- Vaishali

BALBANT PASWAN @ BALLAM S/O HIRALAL PASWAN R/O Village-
Khoksa Kalyan, P.S- Desari, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioner seeks bail in connection with Desari
P.S. Case No. 298 of 2019 dated 28.08.2019 registered for the
offence punishable under Section 395 of the Indian Penal Code.

3. The prosecution case, in short, is based on informant's
written report is that on 27.08.2019, at about 7:30 to 8:15 pm,
10-15 unknown miscreants of age group 15-25 years with
muffled faces entered into his house and looted ornaments worth
Rs 5,50,000/-, and cash worth Rs 30,000/-. Thereafter,
miscreants closed the door from outside and fled away.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. It is submitted that petitioner remanded in the present case was from Hajipur Town P.S. Case No. 613 of 2022. It is also submitted that the F.I.R. was lodged against unknown persons. There is no recovery of looted articles from the possession of the petitioner. There is no allegation against the petitioner except confessional statement of co-accused, namely, Dinu Kumar Rai @ Dinba @ Dina Yadav. Further, it is submitted that the petitioner's bail application has been opposed due to his criminal antecedent. The petitioner is in custody since 09.11.2022, having criminal antecedent of six cases and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari P.S. Case No. 298 of 2019, 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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