

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23130 of 2023

Arising Out of PS. Case No.-534 Year-2021 Thana- DAUDNAGAR District- Aurangabad

Shiv Paswan S/O Late Bira Paswan @ Hira Paswan R/O Village- Lila Bigha,
P.S- Obra, Distt.- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Ms. Mukul Kumari, Advocate

For the Opposite Party : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Daudnagar P.S. Case No. 534 of 2021 dated 03.10.2021 instituted for the offences punishable under Section 392 of the Indian Penal Code.

3. As per the case of prosecution, the informant states that four persons armed with pistol robbed the belongings of the informant including gold chain, Vivo mobile phone and cash worth Rs. 2,500/- (Twenty Five Hundred) and fled away while seeing the Police vehicle.

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



this case. It is submitted that the petitioner was not named in the F.I.R., during the course of investigation the petitioner was arrested and he has made accused in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner. It is further submitted that another co-accused person, namely, Akhilesh Paswan has already been granted bail in Cr. Misc. No. 21397 of 2023, by a co-ordinate Bench of this Court *vide* order dated 17.05.2023. Further, it is submitted that no Test Identification Parade (T.I.P.) has been conducted by the Police till date. The petitioner has been implicated in three cases but in all these cases he has not been named in the F.I.R., he was dragged in all cases due to criminal antecedents against him which is pending before the Court below. Lastly, it has been submitted that the petitioner is in custody since 27.01.2023, has three criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed 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 S.D.J.M., Daudnagar, Aurangabad in Daudnagar P.S. Case No. 534 of 2021, subject to the following conditions:-

- i. 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.
- ii. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
- iii. 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.
- iv. 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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