

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35299 of 2023

Arising Out of PS. Case No.-1052 Year-2019 Thana- NAGAR District- Vaishali

Balwant Paswan @ Ballam Paswan Son Of Hiralal Paswan Village- Khoksa
Kalyan, Ps-Desari, Dist-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate
		Mr. Anju Kumari @ Anju Narain, Advocate
For the Opposite Party/s :		Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 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 Hajipur Town P.S. Case No. 1052 of 2019
registered on 23.11.2019 for the alleged offences under Section
395 of the Indian Penal Code. Later on, Section 387 of the
Indian Penal Code was added.

04. As per prosecution case, a *dacoity* was committed
in a Gold Finance Company and the *dacoits* took away 55.7 kg.
of gold and Rs. 50,000/- cash. The name of petitioner transpired
during investigation as one of the *daciots*.



05. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not caught from the spot. Nothing incriminating has been recovered from the possession of the petitioner. No Test Identification Parade has been conducted till date. The petitioner has been made accused on the basis of confessional statement of co-accused, Satish Paswan. The petitioner was already in custody in Hajipur Town P.S. Case No. 613 of 2022, when he was taking on remand in the present case on 29.08.2022. Learned counsel further submits that except for the confessional statement, no material has come up against this petitioner. A number of co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 07.10.2021 passed in Criminal Misc. No. 33308 of 2021, order dated 02.11.2021 passed in Criminal Misc. No. 24357 of 2021, order dated 08.04.2022 passed in Criminal Misc. No. 7794 of 2022, order dated 23.01.2023 passed in Criminal Misc. No. 38754 of 2022, order dated 23.01.2023 passed in Criminal Misc. No. 49923 of 2022 and order dated 05.04.2023 passed in Criminal Misc. No. 63322 of 2022, respectively. The charge-sheet has been submitted.



06. Learned APP for the State opposes the prayer for bail submitting that the petitioner is a habitual offender and he is a member gang of *dacoits* who committed *dacioty* in a Gold Finance Company.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and grant of bail to a number of similarly situated co-accused persons 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 Chief Judicial Magistrate, Hajipur, in connection with Hajipur Town P.S. Case No. 1052 of 2019, 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 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.

(iv) In case it is found that recovery of any incriminating article was made from the petitioner, his bail bond will not be accepted.

(Arun Kumar Jha, J)

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