

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39710 of 2023

Arising Out of PS. Case No.-495 Year-2022 Thana- DELHA District- Gaya

Aman Paswan @ Aman Kumar Son Of Jai Prakash Paswan @ Ajay Paswan
R/O-Powerganj, Kumhar Toli, P.S.-DELHA, Distt.-GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Priya Ranjan, Advocate Mr. Mukesh Kumar, Advocate
For the Opposite Party/s	:	Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2023 Let all the defects be ignored.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

4. Petitioner seeks bail who is in custody since
21.02.2023 in connection with Delha Case No. 495 of 2022,
F.I.R. dated 25.12.2022 for the offences punishable under
Section 30(a), 45 and 37 of the Bihar Prohibition and Excise
Amendment Act.

5. According to prosecution case, co-accused persons,
namely, Banti Kumar, Azad Kumar, Vikash Kumar and Nikhil



Prajapati were found in intoxicated condition and 500 ml of cane beer was recovered from the place of occurrence. It is also alleged that Aadhar card, ATM card and mobile phones were also recovered from the apprehended accused persons.

6. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the petitioner was not apprehended along with the other accused persons and the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused, Banti Kumar. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and except the disclosure made by the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that the similarly situated co-accused, namely, Vikas Kumar who was apprehended along with other co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 29780 of 2023 and another co-accused, namely, Lalo Paswan who was also arrested along



with the other accused person has been granted bail by this Court vide order dated 27.07.2023 passed in Cr. Misc. No. 45000 of 2023. The petitioner is in custody since 21.02.2023.

7 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries seven criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the seven cases. .

8. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court No. 1, Gaya in connection with Delha Case No. 495 of 2022, 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 shall remain physically present as directed 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. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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