

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31744 of 2023

Arising Out of PS. Case No.-44 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

Chhotu Paswan @ Tilshari @ Dharmendra Paswan, Son Of Shambhu Paswan
@ Shambhu Nath Paswan, Resident of Village- Dilli Diwanganj, P.S.-
Amdabad, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Neha Rani, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Heard Ms. Neha Rani, learned counsel appearing on
behalf of the petitioner and the learned APP for the State.

Application for grant of bail to the petitioner, who is
in custody in connection with Muffasil P.S. Case No. 44 of 2021
registered for the offence punishable under Sections 394 and
302 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that while the informant was going after
withdrawing money from the ATM, he was intercepted by two
unknown miscreants and they tried to snatch his bag, containing
the cash amount. On protest made by the informant, the
unknown miscreants fired bullet due to which he sustained
injury and later on he succumbed to the injuries. The miscreants
after snatching the bag containing Rs. 3,90,000/- and other



valuables, fled away.

Learned counsel appearing on behalf of the petitioner submits that FIR has been instituted against unknown miscreants, however, during the course of investigation one Rupesh Paswan @ Habla @ Hadda was apprehended in connection with another case, wherein his confessional statement was recorded and he took the name of the petitioner as his associate. Further submissions has been made that there is no eyewitness to the alleged occurrence and save and except the confessional statement, there is no material suggesting his complicity and, moreover, neither any incriminating material has been recovered from his possession nor he has been identified by anyone. It is next submitted that the petitioner is also accused in two other cases and his criminal antecedent is one of the reason of his implication in the present crime. She lastly submits that the co-accused person, on whose confession the name of the petitioner has been transpired, has been allowed bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 17260 of 2022 vide order dated 29.03.2023 and further more after framing of charge, there is no progress, suggesting unlikelihood of conclusion of trial in near future.

On the other hand, learned APP for the State



vehemently opposes the bail application and submits that this is a crime of gruesome loot and murder, wherein his name transpired on the confessional statement of co-accused person. He next submits that the petitioner is also carrying two criminal antecedent, as has been mentioned in paragraph no. 3 of the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the person on whose confession the name of the petitioner has transpired, has been allowed bail by the learned co-ordinate Bench of this Court and, moreover, there is no recovery of any incriminating material coupled with the fact that no cogent evidence has come during the course of investigation, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – II, Katihar in connection with Muffasil P.S. Case No. 44 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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