

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31780 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- BAUSI District- Araria

Jaspriit @ Jaspriit Kumar @ Jaspriit Paswan @ Raja, Son of Suresh Paswan,
Resident of Vairakh Ward no. 2, P.S.- Raniganj, Araria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajesh Kumar Singh, Sr. Advocate Mr. Manish Kumar Singh, Advocate Ms. Akrity Aishwarya, Advocate
For the Opposite Party/s :	Mrs. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 08-02-2023 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.

Heard Mr. Rajesh Kumar Singh, learned senior counsel duly assisted by Mr. Manish Kumar Singh, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bausi P.S. Case No. 51 of 2021 registered for the offences punishable under Sections 394 of the Indian Penal Code, 1860.

Allegedly, while the informant was going on his motorcycle carrying cash of Rs. 1,50,000/- and a laptop, in the



meantime, two miscreants riding on Apache motorcycle, overtook the motorbike of the informant and one of them inflicted blow of iron rod and thereafter, looted away cash amount of Rs. 1,50,000/- and other valuables.

Learned senior counsel appearing on behalf of the petitioner submits that the FIR has instituted against two unknown miscreants, however, during the course of investigation one Absar Alam was apprehended by the police and the name of the petitioner surfaced on his confessional statement. He further submits that though the petitioner was apprehended on the basis of confessional statement on 28.05.2021, however, till date he has not been put on Test Identification Parade so as to verify the truth of his presence. He next submits that so far the motorcycle and other incriminating material are concerned, the same have been allegedly recovered from the house of co-accused Absar Alam and Rahul Kumar and no incriminating material has been recovered from the possession of the petitioner. He next submits that the petitioner having fair antecedent is in custody since 28.05.2021 and now after completion of the investigation charge-sheet has been submitted and save and except the confessional statement, no other material has come, suggesting the complicity of the



petitioner in the present crime.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner himself confessed his involvement in the present crime and on the alleged date of occurrence, he was in touch with the accused persons, as is evident from the call details report.

Having regard to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has transpired on the confessional statement of co-accused persons, however, neither he has been put on Test Identification Parade nor any incriminating material has been recovered from his possession coupled with the period of custody and fair antecedent, 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 Chief Judicial Magistrate, Araria in connection with Bausi P.S. Case No. 51 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.

(Harish Kumar, J)

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