

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33863 of 2023

Arising Out of PS. Case No.-79 Year-2018 Thana- HASPURA District- Aurangabad

VINAY PASWAN Son of Late Ramdeo Paswan Resident of village - Bharub,
P.S. - Haspura, Distt. - Aurangabad (Bihar) Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2023 Heard the parties.

The petitioner is in custody in connection with Haspura P.S. Case No. 79 of 2018 for the offence under Sections 395 and 397 of the Indian Penal Code and Section 4 and 5 of the Explosives Act, 1908 lodged on 01.05.2018 by the informant, Raju Kumar.

The prosecution case, in brief, is that on 01.05.2018 at about 01:45 PM, he was at his jewellery shop alongwith his brothers and staff members. In the meantime five persons entered inside his shop and requested to show gold ornaments. The informant showed them, the ornaments in display tray. The informant felt suspicion upon their gesture and when he tried to go out of the shop, one miscreant stopped him on gun point and assaulted his father with 'butt' of pistol. The miscreants also threw bombs on shop. Thereafter, his brothers came out from shop. On 'hulla' nearby people gathered, who caught two miscreants and beaten them. The miscreants disclosed their



names as Ravi Kumar and Bindeshwari Shah. The informant had identified the miscreants had come to purchase ornaments. He has further stated that ornaments worth Rs. 6 lakh were looted by the miscreants. He has described the age group, dress-up and body built of the miscreants. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that he is not named in the F.I.R. rather his name has transpired in this case during course of investigation on basis of purported confessional statement of co-accused person namely Mukesh Kumar who has allegedly confessed about the involvement in alleged occurrence. Except confessional statement of co-accused persons, no incriminating materials have been found against the petitioner.

He further submits that as per purported seizure list, during course of investigation police personnel have allegedly seized Rs. 14,000/- from co-accused namely Mukesh Kumar and further allegedly seized gold ornaments from co-accused Jailal Mahto. Said seized cash and gold jewelry have been alleged to be proceeds of the present case. The said co-accused persons have been granted bail.

He further submits that several co-accused persons namely 'Mukesh Kumar', 'Raushan Kumar @ Laddu', 'Ajay



Paswan @ Badal', 'Nandkishore Ram', 'Jaylal Mahto', 'Navneet Yadav @ Chhotu @ Navneet Kumar' and 'Sanjeev Kumar' have been granted bail in Cr. Misc. Nos. 56931/2018, 64824/2018, 315/2019, 1827/2019, 7455/2019, 49502/2019 and 66745/2019 vide Order dated 10.10.2018, 29.10.2018, 17.01.2019, 15.01.2019, 08.02.2019, 07.08.2019 and 22.10.2019, respectively by this Hon'ble High Court.

The matter is of 2018 and two years later, the petitioner preferred anticipatory bail vide Cr. Misc. No. 37337 of 2020 which was rejected on 25.06.2021.

Even thereafter, he chose not to surrender and was finally arrested in Obra P.S. Case No. 324/21 and only thereafter, he was remanded in the present case.

Considering the kind of attitude that the petitioner adopted in coming to the judicial custody, this Court is not inclined to extend him relief for the present and accordingly, the bail application stands rejected.

(Rajiv Roy, J)

Jagdish/kiran/-

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