

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34972 of 2023

Arising Out of PS. Case No.-43 Year-2015 Thana- DANIYAWAN District- Patna

Arbind Kewat @ Pahalwan S/O Fauzdari Kewat @ Faujdari Prasad R/O
Village- Malbigha, P.S.-Chandi, Dist.-Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate

For the Opposite Party/s : Mr.Nand 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.

2. In the present case, the petitioner seeks bail in connection with Daniyawar P.S. Case No. 43 of 2025 registered on 20.04.2015 for the alleged offence under Section 395 of the Indian Penal Code.

3. As per prosecution case, 6-7 unknown miscreants committed dacoity with the informant and took away his tractor loaded with potato. The miscreants also took away rupees five thousand from the informant apart from his mobile phone. They also committed dacoity with other persons who came at the place after the informant. However, on seeing the patrolling party the miscreants fled away and name of the petitioner transpired during investigation as one of the dacoits.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on the basis of confessional statement of co-accused. No incriminating article has been recovered from the possession of the petitioner and the petitioner has not been put to any Test Identification Parade. The petitioner was dragged in this case by the police taking advantage of criminal history of the petitioner. The petitioner has been remanded in this case on 06.10.2020 and since then he is in judicial custody and charge sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and accused in altogether 14 cases of similar nature.

6. At this stage, learned counsel for the petitioner submits that the petitioner is on bail in all the cases.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not put to any Test Identification Parade and further considering the fact that no recovery of looted article has been shown from the petitioner and also the period of custody of the petitioner and 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 Judicial Magistrate,
Ist Class, Patna City (Patna) /concerned court in connection with
Daniyawar P.S. Case No. 43 of 2015, subject to the conditions
mentioned in Section 437(3) of the Code of Criminal Procedure
and also 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 on three consecutive dates
or in violation of the terms of the bail, the bail
bonds of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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