

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36753 of 2023

Arising Out of PS. Case No.-196 Year-2018 Thana- BIHPUR District- Bhagalpur

AJAY PASWAN S/O BHOLA PASWAN R/O Village- Hario, P.S- Bihpur,
(Jhandapur), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Bihpur (Jhandapur) P.S. Case No.196 of 2018 registered for the
offence under Sections 395 and 397 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 15.09.2022.

4. The allegation against the petitioner is to
commit dacoity and also causing injury to informant, during
course of dacoity, where, petitioner along with other co-accused
persons, looted cash of Rs. 2,70,000/-, belong to the informant.

5. Learned counsel appearing on behalf of the
petitioner submitted that the implication of this petitioner is out
of local disputes and differences, for the reason, that petitioner



and other co-accused persons are co-villagers of the informant and they have difference over the local issues. It is submitted that no looted money as alleged was recovered from possession of this petitioner, during course of investigation, as to connect him, *prima facie*, with present occurrence of dacoity. It is submitted that similarly situated co-accused persons, namely, Amit Mandal and Rajaram Mandal, have already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 26490 of 2019 dated 12.06.2019. While concluding the argument, it is submitted that petitioner found involved in 02 more criminal cases, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as no incriminating material recovered against this petitioner, during course of investigation, where, similarly situated co-accused persons have already granted bail by one of the learned co-ordinate Bench of this Court coupled with the fact that charge-sheet has already submitted, where, petitioner is



in custody since 15.09.2022, let the petitioner, above named, is directed to be released on bail in connection with Bihpur (Jhandapur) P.S. Case No.196 of 2018, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-1st Naugachia, Bhagalpur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C. with further conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.



(iii) That one of the bailors of the
petitioner shall be deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

