

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40018 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- BEERPUR District- Begusarai

DAYANAND PASWAN @ DAYANAND KUMAR PASWAN S/O
SHYAMNANDAN PASWAN R/O Village. Dihi, PS. Chourahi, Dist.
Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Birpur
P.S. Case No. 146 of 2022 registered for the offences punishable
under Sections 394, 397, 307 of the Indian Penal Code read with
Section 27 of the Arms Act.

3. As per prosecution case, when the informant
alongwith her cousin father-in-law were returning after
withdrawing money from the bank three miscreants snatched Rs.
2,57,000/- in cash and two mobiles from the informant and her
cousin father-in-law. It is further alleged that when informant's
cousin father-in-law opposed the miscreants, miscreants attempted
to commit murder to him by means of firearm injury and hence
F.I.R. has been lodged against unknown.



4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. and his name has been transpired upon the confessional statement of co-accused Birju Paswan. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Co-accused Birju Paswan upon whose confessional statement the name of the present petitioner has been transpired in this case, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 25160 of 2023 and the case of present petitioner stands on better footing. He further submits that no T.I.P. has been conducted uptill now. Nothing incriminating article has been recovered from the possession of the petitioner. Learned counsel for the petitioner orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is in custody since 03.04.023 and petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-



accused has already been granted bail by the Co-ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Birpur P.S. Case No. 146 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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