

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42708 of 2022

Arising Out of PS. Case No.-298 Year-2019 Thana- DESARI District- Vaishali

CHHATISH PASWAN @ SATISH PASWAN Son of Jawahar Bhagat @
Jawahar Paswan Resident of village - Panapur Kyam, P.S.- Bidupur, District -
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Adv.
: Mr. Avinash Kumar Pandey, Adv
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 27-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Desari P.S. Case No. 298 of 2019 registered for the offence punishable under Section 395 of the Indian Penal Code.

As per the prosecution, the informant alleged that 10-15 unknown persons armed with weapons trespassed into his house and assaulted him and his family members on being objected by his family members. It is further alleged that these



miscreants took away ornaments worth Rs. 5,50,000/- and rupees 30,000/- cash from the almirah and a ladies purse containing Aadhar card and other documents.

The main submissions advanced by petitioner's counsel are that the petitioner is not named in the FIR, his name surfaced during investigation on the confessional statement of co-accused namely Rahul Kumar given before the police in connection with Desari P.S. Case No. 08/2020 and after his arrest in the present matter, no any incriminating material was recovered from the house of this petitioner and he was not put on *Test Identification Parade* and he has been languishing in jail since 26.06.2020 and in the present matter one co-accused person namely Pumpum Chaudhary @ Mukesh Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 23.06.2020 passed in Cr. Misc. No. 9259/2020 and other seven co-accused persons namely Dinu Rai @ Dinwa, Ritesh Kumar, Bablu Kumar, Ravi Raj @ Ravi Kumar, Viru Rai @ Virva, Krishna Paswan and Shravan Sahani @ Shravan Kumar have been granted regular bail by different Benches of this Court vide orders dated 31.08.2021, 31.01.2020, 10.06.2020, 03.07.2020, 14.07.2021, 05.02.2021 and 20.01.2021 passed in Cr.Misc. Nos. 19906/2021, 86190/2019,



17357/2020, 20687/2020, 20441/2021, 27518/2020 and 25778/2020 respectively. Further submission is that against the petitioner, there is no any legal material to connect him to the alleged occurrence.

Learned APP appearing for the State has opposed the bail prayer.

Considering the aforesaid facts and mainly the custody period undergone by the petitioner and also the privilege of bail having been granted to several co-accused persons by different Benches of this Court as mentioned-above and also the fact that after his arrest in the present matter, he was not put on *Test Identification Parade* nor any incriminating article was recovered from his possession or from his house and the said plea has not been refuted by learned APP, in my view it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Desari P.S. Case No. 298 of 2019.

(Shailendra Singh, J)

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