

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42944 of 2022

Arising Out of PS. Case No.-566 Year-2020 Thana- WAJIRGANJ District- Gaya

Binod Paswan, S/O Ranjan Paswan @ Rajan Paswan, Resident of village-
Kasiyadh , P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Wazirganj P.S. Case No. 566 of 2020 registered
for the alleged offences under Section 395 of the Indian Penal
Code.

As per prosecution case, a number of dacoits entered
into the house of the informant and assaulted him with butt of
gun. They looted a number of jewellery items, number of
household articles and amount of Rs. 70,000/-. The name of the
petitioner surfaced during investigation as one of the accused
person.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. The petitioner has been named in this case on the basis of confessional statement of co-accused Anuj Paswan. Nothing incriminating has been recovered from the possession of this petitioner or at his instance. The petitioner and other co-accused persons were arrested in Chandauti P.S. Case No. 27 of 2021 and some articles were recovered from the possession of this petitioner but the said articles have not been put to any Test Identification Parade. The petitioner is in custody since 13.04.2022 and the charge-sheet has been submitted in this case.

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

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner of looted articles in this case as submitted by the learned counsel for the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on



bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Gaya in connection with Wazirganj P.S. Case No. 566 of 2020, 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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