

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47938 of 2023

Arising Out of PS. Case No.-232 Year-2014 Thana- BAHERA District- Darbhanga

Phuchar Paswan S/O- Bindeshwar Paswan Village- Lohani Ps- Biraul Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 28.02.2023 in connection with Bahera P.S. Case No. 232 of 2014, F.I.R. dated 07.06.2014 for the offences punishable under Sections 395 and 397 of the Indian Penal Code and Section 3/4 of the Explosive Substance Act.

4. According to prosecution case, 20-25 unknown miscreants are said to have committed dacoity in the house of the informant on the point of firearms and assaulted the inmate of the house during the course of occurrence and also exploded



bomb during the course of retreat.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Kesho Paswan @ Ram Kishore Paswan and nothing has been recovered from the conscious possession or the house of the petitioner. He further submits that except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Kesho Paswan @ Ram Kishore Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 15.10.2015 passed in Cr. Misc. No. 32928 of 2015 and co-accused, namely, Ganesh Malik has been granted bail by a co-ordinate Bench of this Court vide order dated 17.09.2015 passed in Cr. Misc. No. 42863 of 2015. The petitioner is in custody



since 28.02.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 learned Judicial Magistrate 1st Class, Benipur, Darbhanga in connection with Bahera P.S. Case No. 232 of 2014, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court



below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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