

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49300 of 2023

Arising Out of PS. Case No.-183 Year-2015 Thana- SOHSARAI District- Nalanda

RAJEEV PASWAN @ RAJIV PASWAN Son of Late Naresh Paswan
Resident of Village-Basanpur, P.S.-Rahui, District-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 25.02.2023 in connection with Sohsarai P.S. Case No. 183 of 2015, F.I.R. dated 06.09.2015 for the offences punishable under Section 392 of the Indian Penal Code.

3. According to prosecution case, on the basis of written report of the informant alleging therein that on 05.09.2015 when the informant was sleeping in his house at about 01:00 O'clock in the night his neighbour Indrajit Singh alongwith four miscreants through roof entered in his house and open the room of the informant by pushing his door and on the point of pistol all miscreants snatched gold from ear, chain from neck and Payal of wife of informant and they also snatched the



Payal and mobile of daughter of informant. It is further alleged that the miscreants also looted Rs.20,000/- cash and utensils.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused Meghan Paswan and thereafter self confessional statement of the petitioner. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that except the confessional statement of the co-accused Meghan Paswan and self confessional of the petitioner no other cogent 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 and the petitioner is in judicial custody since 25.02.2023.

5. Learned counsel for the petitioner further submits that petitioner carries seven criminal antecedents other than the present one but fairly submits that out of seven cases petitioner is on bail in six cases.



6. The learned Additional Public Prosecutor for the State 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 Additional Chief Judicial Magistrate-V, Biharsharif, Nalanda in connection with Sohsarai P.S. Case No. 183 of 2015, corresponding to G.R. No.3513 of 2015, 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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