

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51877 of 2023

Arising Out of PS. Case No.-1052 Year-2019 Thana- NAGAR District- Vaishali

Pintu Paswan Son of Ravindra Paswan Resident of village - Khoksa Kalyan,
P.S. - Deshri, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
	:	Mis. Rashmi Jha, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 29.08.2022 in connection with Hajipur Town P.S. Case No. 1052 of 2019, F.I.R. dated 23.11.2019 for the offences punishable under Section 395 of the Indian Penal Code and later on Section 397 of the Indian Penal Code were added.

3. According to prosecution case, loot of 55.777 kg of gold, Rs. 50,000/- cash and mobile phones has been made by 6-7 miscreant persons in Muthut Finance.

4. Learned counsel for the petitioner submits that petitioner has is innocent 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 is transpired only on the basis of confessional statement of the co-accused person namely Arun Paswan and, thereafter, the confessional statement of the petitioner was also recorded. He further submits that till date, no T.I.P. has been conducted by the prosecution. He further submits that the petitioner is remanded in the present case from Jandaha P.S. Case No. 01 of 2019 on 29.08.2022 and he was in custody in connection with Jandaha P.S. Case No. 01 of 2019 since 28.05.2018 and the present F.I.R. was instituted on 23.11.2019. He further submits that at the time of the occurrence, the petitioner was in custody in connection with Jandaha P.S. Case No. 01 of 2019 and except the confessional statement of the co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present case. He further submits that co-accused namely Sumit Kumar @ Zomura @ Sumit Kumar Zamura has been granted bail vide order dated 12.08.2022 passed in Cr. Misc. No. 25749/2022, other co-accused namely Md. Arshad Alam has been granted bail vide order dated 22.02.2022 passed in Cr. Misc. No. 37016/2021, other co-accused namely Sanjay Kumar Mishra has been granted bail vide order dated 22.02.2022 passed in Cr. Misc. No. 33631/2021, other co-



accused namely Balwant Paswan @ Ballam Paswan has been granted bail vide order dated 24.06.2023 passed in Cr. Misc. No. 35299/2023 by the co-ordinate Bench of this Court and the police after investigation submitted charge sheet against the petitioner. The petitioner is in custody since 29.08.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedent other than the present one.

6. 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 Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No. 1052 of 2019, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Aditi

U		T	
---	--	---	--

