

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57200 of 2023

In
CRIMINAL MISCELLANEOUS No.35299 of 2023

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

=====

Balwant Paswan @ Ballam Paswan, S/O Hiralal Paswan R/O Village- Khoksa
Kalyan, P.S- Desari, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate Mrs. Anju Kumari @ Anju Narain, Advocate
For the Opposite Party/s	:	Mrs. Suman Kumari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-08-2023 Vide order dated 24.06.2023 passed in Cr. Misc. No.
35299 of 2023, the bail of the petitioner was allowed and one of
the conditions was that prior to acceptance of bail bond if it was
found that recovery of incriminating article has been made from
the petitioner, his bail bond would not be accepted.

2. Learned senior counsel appearing on behalf of the
petitioner submits that the learned lower court refused to accept
the bail bond of the petitioner on the ground that the recovery of
Rs. 50,000/-, allegedly the proceed of sale of looted gold, was
made at the instance of the petitioner from his house. But the
said recovery has been made in Hajipur Town P.S. Case No. 613
of 2022 dated 13.08.2022 registered under Sections 414/34 of



the Indian Penal Code and Sections 25(1-B) & 26/35 of the Arms Act. Learned senior counsel further submits that same material has been produced in the case diary of this case showing the recovery at the instance of the petitioner. Thus, learned senior counsel submits that the recovery shown from the petitioner is not in the present case and the learned lower court did not consider this fact and refused to accept the bail bond citing the order of this Court.

3. Having considered the submissions made on behalf of the petitioner and going through the record, I find some merit in the submission of learned senior counsel. The recovery shown from the petitioner at this stage, could not be said to be the recovery of incriminating article from the petitioner in the instant case.

4. Learned trial court is directed to accept the bail bond of the petitioner having considered the fact that recovery of incriminating article could not be said to be made in this case, of course, subject to fulfillment of other conditions.

5. Accordingly, the instant petition is disposed of.

(Arun Kumar Jha, J)

balmukund/-

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

