

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59027 of 2022

Arising Out of PS. Case No.-427 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Sanjay Kumar Paswan @ Sanjay Kumar Son Of Dilip Paswan R/O Village -
Kutubpur Dumari Minapur Rai, P.S.- Hajipur Sadar, District – Hajipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Hajipur
Sadar P.S. Case No. 427 of 2021 registered for the offence under
Sections 392 and 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 30.09.2021.

The allegation against the petitioner is to commit
robbery alongwith other co-accused persons and while
committing so taken away cash of Rs. 50,000/-, one motorcycle
and two mobiles, which belongs to informant and pillion rider.

Learned counsel appearing on behalf of the petitioner



submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, Ranjan Kumar. It is also submitted that as per confessional statement of the co-accused Ranjan Kumar, the alleged mobile which was recovered from this petitioner, while apprehending in Hajipur Sadar P.S. Case No. 648 of 2021 was sold to another co-accused, namely, Kunal, who later on sold said stolen mobile to this petitioner. It is submitted that nothing surfaced during the course of investigation, which may suggest that petitioner purchased said looted mobiles, knowing the fact that recovered mobile is stolen, which suggest further non-involvement of petitioner in the occurrence of robbery. It is also pointed out that petitioner found involved in four criminal cases, on the basis of confessional statement, as of the present case, where he is on bail. While concluding the argument, it is submitted that investigation of this case is completed, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as alleged recovered mobile was sold to one co-accused



Kunal, as per confessional statement of co-accused Ranjan Kumar, which is basis of implication of petitioner, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 427 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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