

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56929 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- BASOPATTI District- Madhubani

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DURGESH PASWAN @ DURGESH KUMAR PASWAN S/o- Baidyanath
Paswan @ Baidhnath Paswan, R/o Village- Bel Mohan, P.S- Phulparas,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Nawal Kishore Prasad

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 22-03-2023 Heard the learned counsel for the petitioner as well as

Mr. J. N. Thakur, the learned Additional Public Prosecutor for

the State.

The petitioner is seeking regular bail in connection

with Basopatti P.S. Case No. 61 of 2022 registered for offence

punishable under sections 395 and 397 of the Indian Penal

Code, section 27 of the Arms Act and 3/4 of the Explosive

Substances Act.

As per allegation, some unknown dacoits committed

Dacoity in the house of the informant and they badly assaulted

the son of the informant with sharp edged weapons on his head.

They took away cash and other articles from the house of the

informant.



The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He has submitted further that co-accused Shashi Paswan was arrested in Babubarhi P.S. Case No. 48 of 2022. He confessed his guilt and also named the petitioner with the allegation that the *Tempo*, whereby the accused persons reached the place of occurrence, was belonging to the petitioner and it was registered in the name of the father of the petitioner. Except that, there is nothing against the petitioner and he is under custody since 24.05.2022. He has also submitted that the petitioner was made accused in the present case as well as in Babubarhi P.S. Case No. 48 of 2022 on the basis of confessional statement of co-accused.

On the other hand, Mr. J. N. Thakur, the learned APP has opposed the prayer for bail.

Considering the fact that except confessional statement of co-accused, there is nothing against the petitioner and he is under custody since 24.05.2022, let him be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Madhubani in connection with Basopatti P.S. Case No. 61 of 2022, subject



to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Mahesh/-

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