

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64051 of 2023

Arising Out of PS. Case No.-360 Year-2022 Thana- CHANDAUTI District- Gaya

Ravindra Paswan @ Munna Paswan, Son of Suresh Paswan Resident of
Village-Jamunaiya, P.S.-Dobhi, Dist.-Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Chandauti P.S. Case No. 360 of 2022, lodged on 31.08.2022
under Sections 395, 414 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against 5 unknown accused persons against whom the
allegation of *dacoity* is there in the FIR.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the name of the petitioner has been figured in
this case only by virtue of secret information. Counsel further
submits that nothing incriminating was recovered from the
possession of the petitioner nor he was put on TIP.



5. Learned counsel for the petitioner submits that other co-accused has been granted bail in the present case by the co-ordinate bench of this Court vide order dated 25.08.2023 passed in Cr. Misc. No. 52061 of 2023. Counsel further submits that antecedent of the petitioner is not clean and there are 13 cases pending against him and he is on bail in 11 cases and he is in custody since 19.09.2022.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that at the time consideration of bail application of the petitioner, his criminal antecedent may be taken into consideration as in most of the cases he is accused of either theft or robbery or *dacoity*.

7. It transpires to this Court that there are 13 cases pending against the petitioner whose details are as follows:-

I. Barachatti P.S. Case No. 108/10 u/s 414, 201, 34 of IPC.

II. Sherghati (Dobhi) P.S. Case No. 227/11 u/s 392 of IPC.

III. Sherghati (Dobhi) P.S. Case No. 182/15 u/s 392 of IPC.

IV. Sherghati (Dobhi) P.S. Case No. 250/15 u/s 395, 412 of IPC.



V. Sherghati (Dobhi) P.S. Case No. 318/15 u/s 395 of IPC.

VI. Sherghati (Dobhi) P.S. Case No. 317/19 u/s 302, 201 of IPC.

VII. Sherghati (Dobhi) P.S. Case No. 286/19 u/s 395 of IPC.

VIII. Sherghati (Dobhi) P.S. Case No. 456/19 u/s 392 of IPC.

IX. Sherghati (Dobhi) P.S. Case No. 416/19 u/s 392 of IPC.

X. Sherghati (Dobhi) P.S. Case No. 303/20 u/s 147, 148, 149, 323, 504, 506, 224, 225, 352, 333, 307, 353 of IPC.

XI. Gurua P.S. Case No. 165/19 u/s 302, 201, 120(B), 34 of IPC.

XII. Guraru P.S. Case No. 171/2022 u/s 25(1-b)a, 26, 35 of Arms Act.

XIII. Makhdumpur P.S Case No. 477/18 u/s 379 of IPC.

8. Upon considering the material and upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that as per his knowledge charge has not been framed in this case.



9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **only after framing of charge** as well as showing proof that he has not absconding in all pending cases, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Gaya in connection with Chandauti P.S. Case No. 360 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

10. The speedy trial is the constitutional vision of justice. It transpires to this Court that almost all cases are running within the territorial Session division of Gaya and the District and Sessions Judge, Gaya is directed to do the needful so that trial of all cases relating to magisterial nature shall run before one Magistrate and all sessions triable cases shall run before one Sessions Court and the copy of the order may be communicated to the District and Sessions Judge, Gaya for necessary compliance and petitioner shall be released upon showing proof of charge framing in all cases.

(Dr. Anshuman, J.)

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