

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60733 of 2022

Arising Out of PS. Case No.-16 Year-2021 Thana- BALIGAON District- Vaishali

CHANDAN PASWAN @ VIKKI Son of Veera Paswan Resident of village -
Paharpur, P.S.- Baligaon, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Baligaon P.S. Case No.16 of 2021, registered for the offence punishable under Section 395 of the Indian Penal Code.

The allegation is regarding the informant having departed on 05.02.2021 at 08.30 hours in the morning for collecting money on behalf of his Jana Small Finance Bank, Bela Branch, Muzaffarpur and after collecting a sum of Rs.1,37,000/-, he had left for Habibpur, however, when he had reached near the cremation ghat,



Hasan Sarai, on the metalled road at about 17.30 hours, two unknown miscreants riding on a Honda motorcycle, dashed their motorcycle with the motorcycle of the informant resulting in the informant falling down on the ground whereafter, the said two miscreants had snatched the bag of the informant containing a sum of Rs.1,37,000/- along with other articles, and then they had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 12.07.2021. It is submitted that at the moment, the petitioner is an accused in only one another criminal case, apart from the present case. It is submitted that though the petitioner was not named in the present case, however, he was arrested in one another case bearing Patepur P.S. Case No.79 of 2021 wherein one loaded country made pistol and one live cartridge was recovered from the possession of the petitioner, and then he



was remanded in the present case on 29.03.2022. It is also submitted that the name of the petitioner has transpired in the present case upon the confessional statement of the co-accused person Ramesh Sahani, however, the fact is that no looted cash amount has been recovered from the possession of the petitioner nor any Test Identification Parade has been held so as to connect the petitioner with the alleged crime.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the fact that neither any Test Identification Parade has been held so as to connect the petitioner with the alleged crime nor any looted cash amount has been recovered from the possession of the petitioner, I deem it fit and proper to direct for release of the



petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Vaishali at Hajipur in connection with Baligaon P.S. Case No.16 of 2021.

(Mohit Kumar Shah, J)

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