

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63322 of 2022

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

=====

Arun Paswan, S/o Devlal Paswan R/o Village- Chaksakra, Chandralay, P.S.-
Hajipur Sadar, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 05-04-2023 Heard Mr. Sanjay Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Satya Nand Shukla, learned

A.P.P. for the State.

2. Earlier prayer for bail of the petitioner was rejected
vide order dated 16.12.2021 passed in Cr. Misc. No. 9255 of
2021 with liberty to the petitioner to renew his prayer for bail if
no substantial progress takes place in the trial within nine
months. Now, the petitioner has renewed his prayer for bail by
filing the present bail application.

3. The petitioner seeks regular bail in connection with
Hajipur Town P.S. Case No. 1052 of 2019 for the offence
punishable under Sections 395, 397, 412, 201 and 120(B) of the
Indian Penal Code.

4. The prosecution story, in brief, is that on



23.11.2019 at about 12:35 P.M., 6-7 miscreants, variously armed with weapons, entered into the office of Muthoot Finance Ltd. at Jagdamba Estate, Cinema Road, Hajipur and looted four bags, containing 1834 packets of gold ornaments approx 55.777 Kg. gold, and cash of Rs.50,000/-. They also snatched mobile phone of staffs of the said office.

5. Learned counsel appearing on behalf of the petitioner informs that no substantial progress has taken place in conduct of the trial as it would appear from the report submitted by the Additional Sessions Judge-V, Vaishali at Hajipur who has informed that out of forty charge sheeted witnesses, only six witnesses have been examined. Learned counsel further submitted that the law is well settled that for mere an allegation, right of the petitioner contained in Article 21 of the Constitution cannot be defeated while putting him behind the bar as under trial. He further informed that similarly situated other co-accused have been released on bail by a co-ordinate Bench of this Court and this Court as well. He further submitted that he has received instruction that brother-in-law and sister of the petitioner have undertaken to ensure that they will not allow the petitioner who is very young aged about nearly 25 years to fall in bad company.



6. Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

7. Considering the fact that the trial is not likely to be concluded in near future, charge sheet has been submitted and other similarly situated co-accused have already been released on bail and the brother-in-law and sister of the petitioner have willingly taken responsibility that they will ensure that the petitioner will not fall in bad company and indulge in any illegal act, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 1052 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

8. If the undertaking as given by the brother-in-law and sister of the petitioner in the Court as per the instruction received by the learned counsel appearing on behalf of the petitioner is not abided, then in that case, this order will automatically loose its force.

9. The petitioner is further directed to make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

10. Accordingly, the bail application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

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

