

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66927 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- BIHARIGANJ District- Madhepura

Vishal Paswan @ Vishal Kumar @ Bisal Paswan, S/o Late Banarsi Paswan
R/O Village- Gwalpara, Ward No-3, P.S- Gwalpara, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-02-2023 Heard learned counsel appearing for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with
Bihariganj P.S. Case No.32 of 2021 registered for the offence
punishable under Section 392 of the Indian Penal Code.

The accused/petitioner is not named in the first
information report and is in custody since 06.04.2021.

The allegation against the petitioner is to commit
robbery along with other co-accused persons and while
committing so, he has taken away one motorcycle and a mobile
phone, which belongs to the informant.

It is submitted by learned counsel for the petitioner
that name of the petitioner transpired during the course of
investigation while he was apprehended in Puraini P.S. Case



No.28 of 2021 on the basis of self-confession. It is also submitted that in furtherance of said confession, one mobile was recovered from the possession of this petitioner, which is alleged to be a looted mobile, but the same was not put on T.I. Parade. It is also submitted that even the petitioner was not put on T.I.P. as yet. While travelling over the argument, it is submitted that the co-accused, namely, Pappu Kumar from whom, looted motorcycle was alleged to be recovered has already been granted bail by one of the learned co-ordinate Bench of this Court vide order dated 24.01.2022 passed in Cr. Misc. No.63535 of 2021. While concluding the argument, it is submitted that petitioner was involved in six more cases of more or less similar in nature where name of this petitioner surfaced in most of cases on the basis of confessional statement as of present case and moreover, investigation of this case has been completed, for which charge-sheet has already been submitted. As such, there is no chance of tampering with the evidence.

Learned Additional Public Prosecutor appearing on behalf of the State while opposing the prayer for bail, has fairly conceded that the petitioner is not named in the FIR.

In view of the above-mentioned facts and circumstances of the case and by taking note of the fact that as



the alleged looted mobile was not put on T.I.P. to connect the petitioner with present occurrence of robbery, coupled with the fact that charge-sheet has been submitted, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No.32 of 2021, subject to the conditions as mentioned under Section 437(3) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J.)

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