

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70006 of 2023

Arising Out of PS. Case No.-174 Year-2021 Thana- UJIYARPUR District- Samastipur

Gautam Paswan Son Of Ranjeet Paswan @ Ranjeet Kumar Paswan Resident
Of Village- Lodipur, Ps- Dalsinghsarai, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Ujiyarpur P.S. Case No. 174 of 2021 registered on 15.06.202 for the alleged offences under Sections 399, 401, 402 of the I.P.C. read with Sections 25(1-B)(a), 26, 35 of the Arms Act.

3. As per the prosecution case, police received secret information about gathering of some criminals were making making preparation of committing *dacoity*. A raid was conducted and two co-accused persons were apprehended, they disclosed the name of the petitioner and three other co-accused persons who made the plan of dacoity. On search, some arms and a mobile phone was recovered from the apprehend co-accused persons who also disclosed about their involvement in



other crimes.

4. The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Petitioner was not present at the place of occurrence and nothing incriminating has been recovered from the possession of the petitioner and name of the petitioner has been transpired only on confessional statement of co-accused otherwise there is no material against the petitioner. The petitioner is in custody since 22.06.2023 and having antecedent of seven cases in which he is on bail. Similarly placed co-accused Subham Chaudhary has been granted bail vide order dated 07.06.2022 passed in Cr. Misc. No. 5148 of 2022 by a Co-ordinate Bench of this Court. Charge-sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submitted that petitioner is a habitual offender and seven cases of similar nature are pending against him.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and nothing incriminating recovery has been shown and further considering the period of his custody, the petitioner above



named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge, Dalsinghsarai, Samastipur in connection with Ujiyarpur P.S. Case No. 174 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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