

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15389 of 2024

Arising Out of PS. Case No.-18 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

Mithun Paswan, aged about 27 years, Gender-Male, Son of Sigul Paswan,
Resident of Village- Belmohan, P.S- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bhairav Asthan PS Case No. 18 of 2023 instituted for the
offences punishable under Sections 380 and 457 of the Indian
Penal Code.

3. As per the prosecution case, some unknown
accused persons broken the lock of the house of the informant
and committed theft of gold, silver jewellery and also cash of
Rs. 50,000/- and other valuable articles.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case on the basis of dirty village
politics. Petitioner is not named in the FIR. There is neither any
incriminating articles have been recovered from the conscious



possession of the petitioner nor the petitioner has put on Test Identification Parade. He has been made accused only on the basis of confessional statement of co-accused Sigul Paswan. Petitioner is in custody since 27.07.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-1st, Jhanjharpur, Madhubani dated 29.11.2023, it appears that petitioner is not named in the FIR and his name surfaced on the basis of confessional statement of co-accused Sigul Paswan, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail ***after framing of charge*** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Jhanjharpur, Madhubani in connection with Bhairav Asthan PS Case No. 18 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet has not been submitted*** then the petitioner shall be released on bail on above conditions and he shall be present physically on



each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

8. Further, if the petitioner shall not appear before the learned trial Court for two consecutive dates without any valid reason, the bail bonds of the petitioner shall be cancelled by the trial Court.

(Ramesh Chand Malviya, J)

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