

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23027 of 2024

Arising Out of PS. Case No.-68 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

Alok Kumar Paswan son of Ganga Sagar Paswan Village- Adalpur Ps-
Kusheshwar Asthan Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Choubey, Advocate

For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-07-2024

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Ghanshyampur P.S. Case No. 68 of 2022, registered for the offence punishable under Section 395 of the Indian Penal Code, inasmuch as the earlier prayer of the petitioner for grant of regular bail was rejected by this Court by an order dated 01.02.2023 passed in Criminal Misc. No. 43070 of 2022.

2. The allegation is regarding six unknown miscreants having committed loot in the shop of the petitioner, whereupon they had decamped with a sum of Rs. 13 lakh.



3. 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 28.04.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one another case but he is on bail in the said case. Lastly, it is submitted that the petitioner is not named in the FIR, there is no evidence on record to suggest his complicity in the alleged crime and, moreover, no recovery of the looted article/cash amount has been made from the petitioner, hence the petitioner be granted the privilege of bail.

4. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

5. 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 available on record, this Court finds that on the earlier occasion, this Court had granted liberty to



the petitioner to renew his prayer for bail after lapse of one year and now the petitioner has been in custody since more than two years, apart from the fact that admittedly no recovery of looted article/cash amount has been made from him, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

6. Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Benipur, Darbhanga in connection with Sessions Case No. 397 of 2022, arising out of Ghanshyampur P.S. Case No. 68 of 2022.

(Mohit Kumar Shah, J)

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