

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25985 of 2024

Arising Out of PS. Case No.-574 Year-2020 Thana- WAJIRGANJ District- Gaya

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Rupan Paswan Son of Late Latan Paswan Resident of Village- Krit Nawada,
P.S.- Chandauti, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Wazirganj P.S. Case No. 574/2020 lodged on 15.12.2020 under
Section 395 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against 10-15 unknown accused persons alleging therein
that all the accused persons entered into the house of the
informant and captured the informant and his wife. Thereafter,
they tied his other family members and looted jewelleryes,
cloths, LCD TV, mobile phones, helmet, ATM and Rs.12,000/-
cash and fled away by threatened them to kill.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The



petitioner is not named in the FIR, rather his name has figured in this case by virtue of confessional statement of co-accused. Nothing incriminating has been recovered from the possession of the petitioner nor the petitioner has been put on the Test Identification Parade. The petitioner is in custody since 07.07.2023 and is accused in two more criminal cases, but in both the cases, he has been granted bail. Learned counsel further submits that similarly situated co-accused, namely, Anuj Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 19.10.2022 passed in Criminal Miscellaneous No. 16429 of 2022. Moreover, the charge has already been framed in this case, hence, no purpose will be served in keeping the petitioner behind the bar.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, on being satisfied by the trial Court that the petitioner is not absconding in Chandauti P.S. Case 27/2021 and Chandauti P.S. Case No. 47/2021, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge-1st, Gaya, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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