

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35897 of 2024

Arising Out of PS. Case No.-232 Year-2014 Thana- BAHERA District- Darbhanga

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Anirudh Paswan Son of Naresh Paswan, R/o Village- Lohni, P.S.- Biroul,
Dist- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-06-2024 Heard Mr. Shailendra Kumar Jha, the learned

counsel for the petitioner and Ms. Asha Devi, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

18.01.2024 in connection with GR No. 238 of 2014, arising out

of Bahera P.S. Case No. 232 of 2014, FIR dated 07.06.2014,

registered for the offences punishable under Sections 395 and

397 of the Indian Penal Code and under Section 3/4 of

Explosive Substance Act.

3. According to the prosecution case, burglars broke

into the house of the informant and his younger uncle and

committed burglary and also assaulted family members of both

the houses.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR and his name transpired during investigation on the basis of confessional statement of the co-accused persons namely, Keshav Paswan and Ganesh Mallik and except the aforesaid, no other cogent material has come during investigation which suggests the involvement of the petitioner in the present case. He further submits that till date no *Test Identification Parade* has been conducted by the police and the police after investigation has submitted the charge sheet against the petitioner. He lastly submits that the petitioner is in judicial custody since 18.01.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that although the petitioner is not named in the FIR, but he is involved in five criminal cases other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Benipur, Darbhanga, in connection with Bahera P.S. Case No. 232 of 2014, subject to



the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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