

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32950 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- KISHANGANJ District- Kishanganj

Ajay Kumar Paswan @ Ajay Paswan SON OF BIPAT PASWAN R/O
VILLAGE-Dharamganj, ward no. 28, Majhia Road, P.S.-Kishanganj, District
Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-06-2024 Heard Mr.Ram Prawesh Kumar, learned counsel for
the petitioner and Mr.Sanjay Kumar Singh, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
17.07.2023 in connection with Kishanganj P.S. Case No. 130 of
2023, giving rise to S.Tr.No.304 of 2023, F.I.R. dated
28.03.2023 registered for the offence punishable under Sections
413,414/34 of IPC.

3. The prosecution case, in brief, is that the informant
along with police personnel on 28.03.2023 at about 4:00 A.M.
was on patrolling and received information that many people are
buying and selling stolen goods at Ankit Kumar's house and
when police team reached there then 7-8 persons ran away from



his house but one person was present and on asking his name he told Gopal Rai who is father of Ankit Kumar. During search total 196 goods recovered but no document was produced by him. The police team inquired about the recovered goods from Gopal Rai he told that my son Ankit Kumar and other persons including the petitioner bring stolen goods and distributed in my house.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Ankit Kumar Rai and nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution and co-accused persons, namely, Kadir Perwez @ Kadir, Gopal Ray, Nehal Kumar Roy @ Nihal Kumar Ray and Raj Sharma @ Shiva Sharma @ Pochu Sharma have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 14.09.2023, 13.12.2023 and 17.02.2024 passed in Cr. Misc. Nos.58617 of 2023, 80078 of 2023 and 7588 of 2024 respectively. Further submits that the police, after investigation, submitted chargesheet against the



petitioner and the petitioner is in custody since 17.07.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one but fairly submits that out of six case, the petitioner has been acquitted in two cases, in one case the petitioner is on bail and rest three cases are pending for consideration, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, let the petitioner, above named, 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 Additional District and Sessions Judge-1st, Kishanganj in connection Kishanganj P.S. Case No. 130 of 2023, giving rise to S.Tr.No.304 of 2023, with the following conditions:-

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

(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 court below 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 court below 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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