

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48501 of 2024

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

Amarjeet Paswan Son of Nepali Paswan R/o Village- Lohni, P.S. Biroul,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 06-12-2024 Heard Mr. Shailendra Kumar Jha, learned counsel
for the petitioner and Mr. Anil Kumar, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
01.02.2024 in connection with Bahera P.S. Case No. 232 of
2014, F.I.R. dated 07.06.2014 for the offences punishable under
Sections 395 and 397 of the Indian Penal Code and Sections 3/4
of the Explosive Substance Act.

3. According to prosecution case, 20-25 unknown
miscreants are said to have committed dacoity in the house of
the informant and his uncle on the point of pistol and also
assaulted the informant's family members during the course of
occurrence and also exploded bombs during the course of
retreat.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Keshav Paswan and Ganesh Malik and except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the statement of the co-accused has been recorded in the year 2015 itself and the petitioner has been remanded in the present case on 01.02.2024 after about 10 years of the occurrence. He further submits that similarly situated, co-accused, namely, Kesho Paswan @ Ram Kishun Paswan has been granted bail by a Co-ordinate Bench of this Court vide order dated 15.10.2015 passed in Cr. Misc. No. 32928 of 2015 and another co-accused, namely, Ganesh Malik has been granted bail by a Co-ordinate Bench of this Court vide order dated 17.09.2015 passed in Cr. Misc. No. 42863 of 2015.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries ten criminal antecedents other than the present one but fairly submits on the basis of supplementary



affidavit filed on behalf of the petitioner that the petitioner is on bail in all the ten cases.

6. Considering the aforesaid facts and circumstances that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused and some of the co-accused persons have been granted bail by a Co-ordinate Bench of this Court, 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 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 court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his 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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