

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36959 of 2024

Arising Out of PS. Case No.-41 Year-2021 Thana- CHANDAUTI District- Gaya

Uday Paswan @ Saurav Kumar S/O Ram Vilash Paswan R/O Village-
Naudiha Khurd, P.S.- Wazirganj District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Sharma, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Chandauti P.S. Case No. 41 of 2021 dated 04.02.2021, instituted for the offence punishable under Sections 457 and 380 of the Indian Penal Code.

3. Allegation is of looting of 8-10 kg gold and 50,000/- cash from a jewellery shop by the unknown persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is not named in the F.I.R.; the name of the petitioner has come in this case only on the basis of confessional statement of co-accused Anuj Paswan. The said Anuj Paswan has been granted bail *vide* order dated



18.08.2022 passed by this court in Criminal Miscellaneous No. 26484 of 2022. It is further submitted that nothing has been recovered either from the possession of the petitioner or from the house of the petitioner. Till date, no T.I.P. has been made. It is next submitted that similarly situated co-accused persons have been granted bail by this Court as well as Co-ordinate Benches of this Court vide Annexure 2 series. Lastly, it has been submitted that the petitioner was remanded in this case on 23.11.2023 from Wazirganj P.S. Case No. 574 of 2020 in which he was in custody since 26.06.2023 and he has six criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- 1st Class, Gaya in Chandauti P.S. Case No. 41 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

Sankalp/-

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