

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55005 of 2024**

Arising Out of PS. Case No.-79 Year-2018 Thana- HASPURA District- Aurangabad

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Vinay Paswan Son of Late Ramdev Paswan R/o-Village- Bharub, P.S.- Obra,  
Dist.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

For the Opposite Party/s : Ms.Anita Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      09-08-2024                      Heard the parties.

2. The petitioner is in judicial custody in connection with Haspura P.S. Case No. 79 of 2018 for the offence punishable under Sections 395/397 of the Indian Penal Code and 4/5 of Explosive Substance Act lodged on 01.05.2018 by the informant, Raj Kumar Khatri.

3. The prosecution, in brief, is that on 01.05.2018 at about 01:45 PM, he was at his jewellery shop alongwith his brothers and staff members. In the meantime five persons entered inside his shop and requested to show gold ornaments. The informant showed them the ornaments in display tray. The informant however felt suspicious seeing their gesture and when he tried to go out of the shop, one miscreant stopped him at gun point and also assaulted his father with the 'butt' of pistol. The



miscreants also threw bombs on shop. Thereafter, his brothers came out from shop. On 'hulla' nearby people gathered, who caught two miscreants and thrashed them. The miscreants disclosed their names as Ravi Kumar and Dindeshwari Shah. The informant identified the miscreants who had come to purchase ornaments. He has further stated that ornaments worth Rs. 6 lakh were looted by the miscreants.

4. Learned counsel for the petitioner submits that his name came in the confessional statement of Mukesh Kumar who was granted bail in Cr. Misc. No 56931 of 2018 (Annexure-P/3 to the petition). He submits that only because he delayed coming to the Court, naturally, his bail was earlier rejected. He submits that save and except the confessional statement of Mukesh Kumar who is now on bail, nothing is on record nor anything incriminating recovered/seized from his possession. The last submission is that he will be diligently appearing in trial, if granted relief.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer submitting that he has criminal antecedent.

6. Though, the petitioner has criminal antecedent, is in custody since 15.10.2022 (para-10 of the petition), his name has come in the confessional statement of Mukesh Kumar who is



out of bail and nothing has been recovered from his conscious possession, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad, in connection with Haspura P.S. Case No. 79 of 2018 subject to the 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 bond by the Trial Court itself;

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

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



(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 his bail bonds.

**(Rajiv Roy, J)**

Ravi/-

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