

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61163 of 2024

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

Manish Paswan @ Manish Kumar Son of Late Kamlesh Paswan R/O Vill.-
Naudiha, P.s.- Wazirganj, Dist.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Kant, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

5 25-10-2024 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, 380 of the Indian Penal Code.

3. Allegation is of looting of 8-10 kg silver ornaments, 100-125 gram gold ornaments and 50,000/- cash from a jewellery shop by unknown persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. Only on the basis of confessional statement of Uday Paswan, the petitioner has been



made accused in this case. It is submitted that till date, no T.I.P. has been made. Nothing has been recovered from the possession of the petitioner or from his house. Learned counsel for the petitioner submits that co-accused, namely, Anuj Paswan and Vijali Paswan have been granted bail vide order dated 18.08.2022 and 18.08.2022 passed by this Court in Criminal Miscellaneous No. 26484 of 2022 and Criminal Miscellaneous No. 8775 of 2022 respectively. It is further stated that other co-accused namely, Rupan Paswan has been granted bail vide order dated 12.07.2024 passed by this Court in Criminal Miscellaneous No. 44938 of 2024. Lastly, it has been submitted that the petitioner is in custody since 23.11.2023 having seven 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 J.M. Ist Class, Gaya in connection with 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.
5. The petitioner shall appear before the Police Station of his local area every fortnight to mark his attendance till conclusion of the trial.

(Khatim Reza, J)

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