

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65341 of 2024

Arising Out of PS. Case No.-405 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Vijay Paswan @ Vijay Kumar Paswan S/o Krishna Paswan Resident of
Village- Laghuniya Raghukhant, PS- Muffasil Samastipur, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-09-2024 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the

State.

2. The petitioner seeks bail in connection with

Bibhutipur P.S. Case No. 405 of 2022 registered for the

offence under Sections 395 of the Indian Penal Code.

3. The accused/petitioner is not named in the

F.I.R. and is in custody since 02.03.2023.

4. The allegation against the petitioner is to

commit dacoity alongwith other co-accused persons and

while committing so looted cash of Rs. 2,35,757/- (Rupees

Two Lac Thirty-five Thousand Seven Hundred Fifty Seven



only) belongs to informant.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely with present case out of confessional statement of co-accused, namely, Vikash Kumar, in furtherance of which no incriminating material recovered/surfaced as to connect petitioner, *prima facie*, with present occurrence of dacoity. It is submitted that petitioner was not put on TIP, as yet. It is also submitted that petitioner found involved in 2 more criminal cases, where he is on bail. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except suspicion arises out of confessional statement, nothing incriminating appears during the course of investigation as to connect petitioner, *prima facie*, with



present occurrence of dacoity coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 02.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Bibhutipur P.S. Case No. 405 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C./Section 480(3) of the BNSS with further conditions:

"(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed



by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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