

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76512 of 2023

Arising Out of PS. Case No.-4 Year-2022 Thana- BIND District- Nalanda

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Dipak Paswan @ Deewana Son Of Amar Paswan Resident Of Bind, P.S.-
Bind, District- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha

For the Opposite Party/s : Mr.Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 392 of the Indian Penal Code and later on, Sections 395 and 412 of the IPC were added.

3. As per FIR, three miscreants stopped the e-rickshaw of the informant and on the point of pistol, they snatched the key of the e-rickshaw, Rs. 5360 and a mobile phone of the informant. It is further alleged that one of them snatched Rs. 2700/- along with a phone of the informant's villager.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. The petitioner is not named in F.I.R rather his name came into light in this case on the basis of confessional statement of co-accused persons before the police which has got no evidentiary value in the eye of law. Neither any looted article has been recovered from the conscious possession of the petitioner nor he has been put on TI parade. It is further submitted from para-11 of this petition that it is clear from the impugned order itself that from the possession of co-accused Bhola Paswan, a mobile was recovered and three co-accused persons just after the alleged occurrence and they faced the trial because in this case Sections 395 and 412 of IPC were added by the I.O and the case of the co-accused was committed to the Court of learned Sessions Judge, Biharsharif and trial was commenced in the Court of learned A.D.J.-IInd, Biharsharif, Nalanda and they were acquitted from all the charges because the informant of this has not supported the prosecution case along with other witnesses too and in support of this, a copy of the Judgment has been annexed herewith and marked as Annexure-P/2 of this petition. Moreover, the petitioner is languishing in judicial custody since 20.07.2022.

5. Learned APP appearing for the state has opposed



the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bind P.S. Case No. 4 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V at Biharsharif, Nalanda.

(Sunil Kumar Panwar, J)

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