

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85791 of 2024

Arising Out of PS. Case No.-79 Year-2022 Thana- BALIYA District- Begusarai

1. Rakesh Paswan @ Pinkesh @ Rakesh Kumar Paswan @ Rakesh Kumar S/O Chandsi Paswan @ Chandansi Paswan @ Chandansi Paswanv Village-Parmanandpur Ward No. 6, P.S.- Muffasil, District- Khagaria
2. Pankaj Paswan S/O Late Ramjee Paswan R/O Vill.- Chhoti Ballia, Near Purana Durga Sthan, P.S.- Ballia, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners seek bail in connection with Ballia (Baliya) P.S. Case No. 79 of 2022 dated 16.03.2022 registered for the offence punishable under Sections 395, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on 16.03.2022 at about 09:35 am, the informant along with others were going to deposit Rs. 11,00,000/- of sell collection and on the way their driver suddenly stopped the vehicle, thereafter, 5-6 unknown miscreants including petitioner came with guns and snatched the bag of money on gun point and fled away.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this



case. It is submitted that petitioners are not named in the F.I.R.. During investigation, the petitioners have been made accused in this case only on the basis of call details of mobile phone. It is submitted that during investigation, eight mobile phone numbers have been brought on record out of which the Mobile No. 8051001461 belongs to petitioner no. 1 and Mobile No. 7033405902 belongs to petitioner no. 2 and only on that basis they have been implicated in the present case. It is submitted that no T.I.P. has been conducted up till now. Nothing has been recovered either from conscious possession of the petitioners or from their house. It is also submitted that five other accused persons have been granted bail *vide* Annexure-2 series of the bail application. The petitioners are in custody since 31.08.2024, having two criminal case against petitioner no. 1 and one criminal case against petitioner no. 2 and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners 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 C.J.M., Begusarai in connection with Ballia (Baliya) P.S. Case No. 79 of 2022, subject to the following conditions:-

- 1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their 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 their wife.
- 3. The bailor shall also state on affidavit that he/she will inform the court concerned if the petitioners are made accused in any other case of similar nature after their 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 petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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