

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4006 of 2024

Arising Out of PS. Case No.-289 Year-2022 Thana- BARGAINIA District- Sitamarhi

Hari Paswan @ Belwa Paswan S/o Late Shobhit Paswan Resident of Village-
Bhiswa Bazar ward no. 01 Police Station- Bela District Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv.

For the Opposite Party/s : Mr.Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-02-2024 The present matter has been listed under the heading
“To Be Mentioned”.

2. Learned counsel for the petitioner is permitted to
make necessary correction in para 4 of the bail petition.

3. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

4. The petitioner seeks bail in connection with Bairgania
P.S. Case No. 289 of 2022 registered for the offences punishable
under Section 398 of the Indian Penal Code.

5. As per prosecution case, some unknown miscreants
made intrusion to the house of informant after breaking the lock of
main gate. It is alleged that one of them assaulted informant by
means of tangi as a result of which he sustained injury. It is further
alleged that dacoity was not committed by the miscreants as the



police reached at the place of occurrence and they escaped away by leaving axe in the house of the informant.

6. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. The name of the petitioner has been transpired in this case upon the confessional statement of co-accused Mukesh and Mithlesh Mandal, as mentioned in impugned order. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. No T.I.P. has been conducted up till now. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Co-accused Mukesh Kumar and other have already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 82661 of 2023 and the case of present petitioner stands more or less on similar footing. Petitioner bears criminal antecedent of ten cases. He further submits that petitioner has been remanded in the present case from Bela P.S. Case No. 257 of 2022 on 30.11.2022 and since then he is in custody.

7. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

8. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no



likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 289 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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