

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3299 of 2024

Arising Out of PS. Case No.-534 Year-2021 Thana- DAUDNAGAR District- Aurangabad

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Vinay Paswan aged about 50 years (Male) Son Of Late Ramdeo Paswan R/O
Village- Bharub, P.S.- Obra, Dist.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aman Vishal, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 22-05-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Daudnagar
P.S. Case No. 534 of 2021 dated 03.10.2021 registered for the
offence punishable under Section 392 of the Indian Penal Code.

3. As per the prosecution case, while the informant along
with others were returning in their vehicle, four accused persons
in another vehicle armed with pistol forced them to stop and
they looted their gold chain, mobile phones and cash worth Rs.
2,500/-.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. The present case has been lodged under Section 392 of the



Indian Penal Code against four unknown accused persons. Later on, after investigation the police has submitted charge-sheet under Section 395 of the I.P.C. against the petitioner. It is submitted that petitioner is not named in the F.I.R. rather his name has transpired in this case during course of investigation only on the basis of suspicion due to his past criminal antecedent. It is submitted that nothing has been recovered from the conscious possession of the petitioner. He has been remanded in the present case on 15.04.2023 from Obra P.S. Case No. 324 of 2021 and since then he is languishing in judicial custody. It is submitted that similarly situated co-accused persons, namely, Shiv Pasawan, Akhilesh Pasawan, Brajesh Paswan and Ranjeet Mehta have been granted *vide* Criminal Miscellaneous Nos. 23130 of 2023, 21397 of 2023, 36597 of 2023 and 4324 of 2024 respectively by different co-ordinate Benches of this Court. It is submitted that the learned court has mentioned about twelve cases against the petitioner but the deponent is not available to furnish criminal antecedent of the petitioner other than six cases. The deponent is not able to provide case diary/supplementary case diary regarding criminal antecedent as mentioned in the court below. The deponent is the cousin father-in-law of the petitioner. He has no knowledge



about other cases and is specifically mentioned in paragraph no. 3 of the bail application. Lastly, it has been submitted that the petitioner is in custody since 15.04.2023, having six criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes 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 S.D.J.M., Daudnagar, Aurangabad (Bihar) in connection with Daudnagar P.S. Case No. 534 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.

(Khatim Reza, J)

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