

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53788 of 2025

Arising Out of PS. Case No.-58 Year-2022 Thana- SHERGHATI District- Gaya

Raju Paswan S/o Kamal Paswan R/o Vill- Kamaldah, P.S.- Paraiya, Distt-
Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sherghati (Dobhi) P.S. Case No. 58 of 2022 registered for the offences punishable under Section 392 of the Indian Penal Code.

3. As per prosecution case, at the point of pistol, informant's motorcycle in question is said to have been snatched by three unknown miscreants. It is alleged that one of them got apprehended and he disclosed his name Nitish Kumar. It is further alleged that the looted motorcycle was also recovered.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. He further submits that the name of the petitioner has been surfaced in this upon the confessional statement of co-accused Nitish Kumar, as mentioned in impugned



order. He further submits that except confessional statement of the said co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No TIP has been conducted up till now. Petitioner is in custody since 19.02.2025 and he bears criminal antecedent of five cases. He further submits that petitioner has been falsely implicated in the present case just because of having criminal antecedents. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Nitish Kumar, upon whose confessional statement the name of the present petitioner has been transpired in this case, has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 17483 of 2024 and the case of present petitioner stands more or less on similar footing. Hence, petitioner also deserves bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner by submitting that, though, petitioner is not named in FIR but the confessional statement of co-accused led to accusation of the petitioner in the present case and petitioner cannot escape from the liability of the offence. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail



by the Co-ordinate Bench of this Court, 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 Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 58 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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