

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62570 of 2025

Arising Out of PS. Case No.-152 Year-2022 Thana- KHAJAULI District- Madhubani

Mithun Paswan Son of Sigul Paswan R/o Village- Belmohan, P.S.- Phulparas,
District-Madhubani. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Pallavi, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-12-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Khajauli P.S. Case No. 152 of 2022 registered for the offence

under Section 395 of the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R.

and is in custody since 11.02.2025.

4. The allegation against the petitioner is to commit

dacoity, along with other co-accused persons, in the shop of

informant and, while committing so, taken away cash of Rs.

3,25,000/-, 1½ (bhar) gold made ornaments and 250 Gms

silver made ornaments.

5. Learned counsel appearing on behalf of the

petitioner submitted that the name of the petitioner transpired

with present crime on the basis of his self confession after



apprehending in Phulparas P.S. Case No. 207 of 2023, in furtherance of which no incriminating material recovered/surfaced, during investigation as to connect him with present crime in question. It is submitted that petitioner was not even put on TIP. It is also submitted that a further suspicion also developed out of criminal antecedents leading to his false implication with present case as he found involved in 14 criminal cases, where he is on bail in 12 cases. It is submitted that if merit of the case is otherwise convincing in favour of the petitioner merely on the basis of criminal antecedents, the prayer of bail ordinarily should not be declined. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court available through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Another*** reported in ***(2020) 11 SCC 648***. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by taking note of fact as save and except suspicion arising out of self confession *prima facie* nothing appears incriminating



against petitioner as to connect him with present crime in question, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 11.02.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Khajauli P.S. Case No. 152 of 2022, 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 District Judge-V, Madhubani/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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