

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88190 of 2025

Arising Out of PS. Case No.-60 Year-2025 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

Subai Paswan @ Suabi Paswan S/O Baudhu Paswan R/O Vill.- Dariyapur,
P.S- Belaganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Magadh Medical P.S. Case No. 60 of 2025 registered for the
offences punishable under Section 309(4) of the BNS.

3. As per prosecution case, informant closed
showroom and went home and guard Birendra Singh informed
the informant that the criminal took the night guard Rajesh
Kumar as a hostage and took away Rs. 1 lakh. It is alleged that
the guard informed the owner of the said showroom. Guard
Rajesh Kumar disclosed that when he came out of the guard
room at 12 midnight to answer the nature's call, four criminals
who were already in ambush, apprehended him and tied him to a



chair, covered his face with a cloth and looted the money. It is alleged that all the miscreants armed with pistols, knife and rod and entered into the chamber of owner of showroom and took away Rs. 9,500/- and Rs. 1,00,000/- from the drawer of owner of showroom.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. The name of the petitioner has been transpired in this case upon the confessional statement of co-accused Pankaj Kumar. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Learned counsel orally submitted that no TIP has been conducted up till now. No incriminating article has been recovered either from the conscious possession or from the house of the petitioner. Petitioner is in custody since 02.08.2025, as mentioned in impugned order and petitioner bears criminal antecedent of four cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that the name of the present petitioner has been transpired in this case upon the



confessional statement of co-accused Pankaj Kumar and he cannot escape from the allegation made in FIR. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Gaya in connection with Magadh Medical P.S. Case No. 60 of 2025, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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