

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25155 of 2017

Arising Out of PS.Case No. -153 Year- 2016 Thana -RAJPUR District- SASARAM (ROHTAS)

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1. Raju Paswan, son of Baghowt Paswan, resident of Village- Suara Tola,
Sri Nagar Tola, P.S.- Baghaila, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Madhuranand Jha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 26-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 03.04.2017 in
connection with Rajpur (Nasriganj) P.S. Case No. 153/2016 for
offences punishable under Section 395 of the Indian Penal Code.
Later on Section 412 of the IPC was also added.

The prosecution case, as lodged by the informant, is
that while he was standing at 9.00 P.M. on 01.08.2016 with his
tempo, two persons came and requested that they be taken to their
village where their father had died. The petitioner along with
driver Dadan Sah proceeded towards the village and on the way
were intercepted with one motorcycle and seven persons on the



pistol point took away the tempo and three persons took away mobile and cash of Rs. 700 from him and Rs. 3000/- from the driver.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and his name surfaced on his own confessional statement and the confessional statement of the co-accused before the police, which has no evidentiary value in the eye of law. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and is involved in two cases earlier of similar nature.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Bikramganj, Rohtas, in connection with Rajpur (Nasriganj) P.S. Case No. 153/16, subject to the condition that one of the bailors would be a close relative of the petitioner, who would have sufficient immovable property within the jurisdiction of the concerned police station, who will



file an affidavit stating his relationship with the petitioner and petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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