

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39914 of 2017

Arising Out of PS.Case No. -61 Year- 2017 Thana -NARPATGANJ District- ARRARIA

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1. Sanjay Paswan S/o Late Rajendra Paswan Resident of Village-Khabdah,
P.S. Narpatganj District-Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Tapeswar Sharma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Narpatganj
P.S. Case No. 61/17 for offences punishable under Section 392 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was returning home after completing his work as
mason 3-4 miscreants stopped his motorcycle, snatched it and also
his mobile and also the motorcycle and mobile of co-villager
Arjun Prasad Mandal.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information



Report and has been falsely implicated because of his own confessional statement in another case, has been remanded in the present case and languishing in judicial custody since 17.05.2017. He submits that nothing has been recovered from his conscious possession and no T.I. Parade has been done so far. He further submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and two of the co-accused, on similar offence, have been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 38035 of 2017 on 10.08.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner along with eight other persons are alleged to have committed the crime and on the confessional statement of the petitioner the looted motorcycle and mobiles have been recovered from the possession of co-accused Arun Yadav. He further submits that the petitioner does not have a clean antecedent and as many as three cases are pending against him for similar offence.

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 Chief Judicial Magistrate, Araria, in connection with Narpatganj P.S. Case No. 61/17, subject to the conditions that:

- (1) Both bailors would be close relatives of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) 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.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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