

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33282 of 2017

Arising Out of PS.Case No. -175 Year- 2016 Thana -RAMGARH District- BHABHUA (KAIMUR)

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1. Santosh Paswan @ Bhuwar Paswan, Son of Sidhnath Paswan, resident of Village- Mahdah, P.S. Muffasil, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 01.09.2016 in connection with Ramgarh P.S. Case No. 175/16 for offences punishable under Section 394 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that three miscreants looted away his motorcycle, wallet and mobile.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and nothing has been recovered from his conscious possession as the motorcycle was found in an abandoned condition



and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He submits that no T.I. Parade has been done so far and just because he has a criminal antecedent he has been made accused in the present case. He further submits that some of the co-accused has been granted privilege of bail by Coordinate Benches of this Court in Cr. Misc. No. 19463 of 2017 on 25.04.2017 and Cr. Misc. No. 26652 of 2017 on 29.06.2017 on similar allegations.

However, learned APP for the State opposes the prayer for bail stating therein that he is involved in as many as 18 cases earlier some of similar nature, although he has been acquitted in four cases.

Considering the facts and circumstances and the materials on record and the period of custody, 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, Kaimur at Bhabua, in connection with Ramgarh P.S. Case No. 175/16, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property



within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that 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 learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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