

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11971 of 2018

Arising Out of PS.Case No. -1062 Year- 2016 Thana -SA SARAM NAGAR District- SASARAM
(ROHTAS)

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1. Premchand Paswan, Son of Late Ramashish Paswan @ Rasashish Paswan @ Late Ashish Ram, Resident of Village- Kundwa, P.S.- Sasaram (Agrer O.P.), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Pandey

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 07-03-2018 Heard the learned counsel for the petitioner and the

learned Additional P.P. for the State.

Learned counsel for the petitioner submits that earlier, vide order dated 10.08.2017 passed in Cr. Misc. No. 36376/2017, this Court had refused to enlarge the petitioner on bail taking note of the submission of learned Additional P.P. for the State. One of the reasons for rejection was that at that point of time, the vehicle in question was yet to be recovered. Learned counsel has placed before this Court a web copy of the order dated 11.01.2018 passed by a co-ordinate Bench of this Court in Cr. Misc. No. 56380/2017 (Krishna Sah Vs. State of Bihar) and has submitted that the said accused Krishna Sah, who was a driver and



had taken away the vehicle, has been granted the privilege of regular bail by a co-ordinate Bench of this Court by taking note of his submission that the vehicle was recovered without any transaction of money and that there had been only some delay on his part in coming back to Varanasi, which led to lodging of the present case. Learned counsel therefore, submits that there is a change of circumstance and at this stage the petitioner may be enlarged on bail.

On the other hand, learned A.P.P. representing the State having perused the order dated 11.01.2018 passed in Cr. Misc. No. 56380/2017 has a submission that whether the vehicle has been recovered or not remains a matter to be considered.

Having heard the learned counsel for the petitioner and learned A.P.P. for the State, in view of the facts having taken note by the learned co-ordinate Bench of this Court in its order dated 11.01.2018 and further submission of the co-accused Krishna Sah in the said case that the vehicle has been recovered without any transaction of money, this Court is inclined to grant privilege of bail to the petitioner.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the



learned Additional Chief Judicial Magistrate III, Sasaram, Rohtas in connection with Sasaram (Town) P.S. Case No. 1062/2016, subject to the conditions under Section 437 (3) of the Cr.P.C. and at the same time, it is made clear that if at any stage it is brought to the notice of this Court that the vehicle has not been recovered and to that effect any wrong statement was made by Krishna Sah, the same will be a reason for cancellation of bail.

(Rajeev Ranjan Prasad, J.)

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