

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14082 of 2019

Arising Out of P.S. Case No.-245 Year-2018 Thana- MADHUBAN District- East Champaran

VIJAY PASWAN, aged 25 years (Male), Son of Sri Ram Paswan Resident of
Village - Chamainiya, P.S. - Shyampur Bhatahan, Distt- Sheohar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-03-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
17.11.2018 in connection with G.R.Case No.8029 of 2018
arising out of Madhuban P.S.Case No.245 of 2018 for the
offence alleged under Sections 413 and 414 of the Indian Penal
Code.

The prosecution case as lodged by the police
personnel is that during vehicle checking two persons including
the petitioner tried to flee away leaving the motorcycle but were
apprehended.

It has been submitted by the learned counsel for the



petitioner that he is innocent, the motorcycle was not recovered from his possession, rather the petitioner has been arrested from his house. He further submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence and the petitioner is languishing in judicial custody since nearly four months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and two more cases under the same offence is pending against him which was revealed by the petitioner in his confession before the police.

However, considering the nature of allegations and the materials on record as well as the fact that chargesheet has already been submitted, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with G.R.Case No.8029 of 2018 arising out of Madhuban P.S.Case No.245 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Motihari, East Champaran, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file



an affidavit stating his relationship with the petitioner.

(ii) 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.

(iii) 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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