

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.25492 of 2020**

Arising Out of PS. Case No.-435 Year-2019 Thana- SURSAND District- Sitamarhi

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SHOLE PASWAN S/o Late Ram Khelawan Paswan Resident of Village-  
Sursand, P.S.-Sursand, District-Sitamarhi.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      01-10-2020                      Learned counsel for the petitioner undertakes to  
  
remove the defects pointed out by the Stamp Reporter within  
  
three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.  
  
Uday Chand Prasad, learned APP for the State.

The petitioner in the present case has moved this  
  
Court in a second attempt to obtain regular bail in connection  
  
with Sursand P.S. Case No. 435 of 2019 registered for the  
  
offences punishable under Sections 384/386 & 34 of the Indian  
  
Penal Code.

It appears that earlier the prayer for regular bail of the  
  
petitioner was rejected by a learned predecessor court vide order  
  
dated 04.02.2020 after taking note of the submission of the State  
  
that the investigation was still going on. Learned counsel



submits that the petitioner is a daily wage worker and on account of dispute with the informant who was the project manager working in the company, he along with co-accused have been falsely implicated in this case and it was alleged that this petitioner had snatched away the mobile of the informant. It is, however, also pointed out that a learned Co-ordinate Bench of this Court has granted bail to co-accused Ravi Shankar Jha in Cri. Misc. No. 6777 of 2020 a copy of the order has been brought on record as Annexure '3' to the present application.

Learned APP for the State has opposed the prayer for regular bail of the petitioner, however considering the facts and circumstances of the case, the nature of the allegations and the fact that the petitioner has remained in custody for about eight months by now whereas co-accused has already been granted bail on 05.02.2020 itself and the petitioner has otherwise no criminal antecedent, let the petitioner be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Pupri, Sitamarhi in connection with Sursand P.S. Case No. 435 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

