

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12119 of 2021

Arising Out of PS. Case No.-79 Year-2019 Thana- KARAHGAR District- Rohtas

NANHAK PASWAN @ DHARMENDRA PASWAN S/o Harimuni Paswan
R/o village- Ubadhi, P.S.- Kargahar (Barahari O.P.), District- Rohtas

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-03-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Madan Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Barahari O.P. Kargahar P.S. Case No. 79 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 427, 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, the informant along with Umashankar Singh was travelling on a motorcycle and when they reached near the house of Vikas Paswan, some persons surrounded him including this petitioner. It is alleged that Nandan Paswan



assaulted the informant on his head and the petitioner is alleged to have snatched away Rs.20,000/- from the pocket of the informant having katta in his hand.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel submits that there is no allegation against the petitioner of causing assault. It is alleged that he was having a katta in his hand and had snatched away Rs.20,000/- from the pocket of the informant which is only false and ornamental in nature. The petitioner is in custody since 03.10.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that on perusal of the First Information Report itself it would appear that so far as this petitioner is concerned, there is no allegation that he had caused any assault, though it is alleged that he was having a katta in his hand and had snatched away Rs.20,000/- from the pocket of the informant but the said allegation is only false and ornamental in nature. It is also submitted that the petitioner has no criminal antecedent, he has



remained in jail in connection with the present case since 03.10.2020, investigation against him is complete and there is no other incriminating material against him as he has not been involved in the alleged occurrence, since the investigation is complete and the trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sasaram, Rohtas in connection with Barahari O.P. Kargahar P.S. Case No. 79 of 2019, subject to the condition as laid down under Section 437 (3) 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 the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(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'.

