

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11465 of 2021

Arising Out of PS. Case No.-101 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

SATISH PASWAN Son of Manik Paswan Resident of Village - Kalyanpur,
P.s.- Deepnagar, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Section 392 of the Indian Penal Code
but later on Section 411 IPC was added.

While the petitioner was returning after completion
of his training on his pulsar motorcycle, on the way a
motorcycle borne criminal reached there and is said to have
snatched his mobile phone, ATM card, PAN card cash and his
motorcycle on the point of pistol.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He is quite
innocent and has been falsely implicated in this case. He is
neither named in the F.I.R. nor was apprehended on the spot.



No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused, which has no evidentiary value in the eye of law. Co-accused, namely, Dhirendra Kumar @ Dheeraj Kumar has been enlarged on bail by a co-ordinate bench of this court vide order dated 01.07.2020 passed in Cr. Misc. No. 20237 of 2020. Though the petitioner has five criminal antecedents but he is on bail in all the cases. The petitioner has been languishing in custody since 14.09.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Mufassil P.S. Case No.101 of 2019, subject to the following conditions :

(1) that one of the bailors will be a close relative of



the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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