

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12844 of 2021**

Arising Out of PS. Case No.-92 Year-2020 Thana- KORHA District- Katihar

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SANOJ KUMAR PASWAN SON OF DHARMCHANDRA PASWAN
Resident of Baghmara, P.S.- Manihari, Distt.- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Binod Kumar No 3., APP

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

2 15-06-2021 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. Binod Kumar No. 3, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Korha P.S. Case No. 92 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story on 19.2.2020 the informant along with one Dipak Kumar was returning from the grocery shopping then suddenly near Cold Storage at 6.45 pm two persons on Apache



motorcycle reached there and on the point of pistol they looted Rs.2,50,000/- rupees and one mobile phone from the informant and fled away.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted the name of the petitioner has transpired in this case in the confessional statement of the co-accused Rahul Kumar who has already been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 34315 of 2020. The petitioner is in custody since 24.03.2020.

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 the FIR is against unknown, however, the name of the petitioner has transpired in the confessional statement of the co-accused Rahul Kumar from whose possession the alleged looted cash of Rs. 70,000/- was recovered, the said Rahul Kumar has been granted bail by a learned coordinate bench of this Court in Cr. Misc. No. 34315 of 2020 and another co-accused Rakesh Kumar has been granted bail in Cr. Misc. No. 28661 of 2020, the petitioner has not been put on Test



Identification Parade and further that petitioner has remained in custody since 24.3.2020, investigation against him is complete and the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 92 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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'.

