

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15111 of 2021

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

Satyendra Paswan @ Sakendra Paswan Son Of Late Pramod Paswan Resident
Of Village- Kalyanpur, P.S.- Dipnagar, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwa Bijay Kumar

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Muffasil P.S. Case
No. 101/2019 registered for the offence punishable under Section
392 of the Indian Penal Code.

As per the prosecution case, allegation against the petitioner is
that he with other co-accused persons assaulted and looted
informant's motorcycle, mobile phone, Cash of Rs. 5,000/- and other
documents.

It is submitted by learned counsel for the petitioner that
petitioner has falsely been implicated in this case and has not



committed any offence as alleged in the FIR. He submits that other co-accused has been granted bail vide order dated 19.03.2020 in Cr. Misc. No. 20237 of 2020. He submits that petitioner is not named in the F.I.R. and was not arrested at spot and not T.I.P. has been held till date. 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. The petitioner has three criminal antecedents as has been mentioned in para 3 of the bail application and has been languishing in custody since 14.09.2020..

There is nothing in record indicating the complicity of the petitioner in the occurrence barring the confessional statement of *Dheerendra Kumar @ Dheeraj Kumar* which has not evidentiary value in the eye of law.

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 C.J.M. Nawada in connection with Muffasil P.S. Case No. 101/2019 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused 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 the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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