

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27518 of 2020

Arising Out of PS. Case No.-298 Year-2019 Thana- DESARI District- Vaishali

KRISHNA PASWAN Son of Lalit Paswan Resident of Village - Lakhanpur
Tola, P.S. - Desari, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri,Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-02-2021 Heard learned counsel for the petitioner and Mr.
Awadesh Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Desari P.S. Case No. 298 of 2019
registered for the offences punishable under Section 395 of the
Indian Penal Code.

Learned counsel for the petitioners submits that as per
the prosecution story some unknown miscreants entered in the
house of the informant and looted valuable articles.

Learned counsel submits that the petitioner is
innocent and has falsely been implicated in the present case. It is
submitted that one similarly situated co-accused has already
been enlarged on anticipatory bail in Cri. Misc. No. 9259 of
2020. It is further submitted that no incriminating article has
been recovered from the house of the petitioner. The petitioner



has no criminal antecedent.

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

Having regard to the facts and circumstances of the case from which it appears that the main accused Ritesh Kumar from whose possession there was a recovery has been admitted to bail and it is the submission of learned counsel for the petitioner that the co-accused Pum Pum Chaudhary @ Mukesh Kumar whose name is also not mentioned in the FIR has already been admitted to the privilege of anticipatory bail on 23.06.2020 passed in Cri. Misc. No. 9259 of 2020 and further that this petitioner has otherwise no criminal antecedent and there is no recovery from his possession, there is also no identification of the petitioner in connection with the same case, let in case of his arrest or surrender petitioner above-named within a period of four weeks from today in connection with Desari P.S. Case No. 298 of 2019 be released on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate at Hajipur, District-Vaishali, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

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 bond 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)

SUSHMA2/-

U		T	
---	--	---	--

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'.

