

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37346 of 2021

Arising Out of PS. Case No.-41 Year-2018 Thana- ANDHRATHARHI District- Madhubani

MITHUN PASWAN S/O SIGUL PASWAN @ SHIBUL PASWAN
RESIDENT OF VILLAGE BASAULI, P.S-BILMOHAN, DISTRICT-
MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Shubham, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-12-2021 Let the defect(s), if any, as pointed out by the Office,

be removed within four weeks of start of normal functioning of

the physical Court.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks regular bail in connection with

Andhrathadi P.S. Case No.41 of 2018 registered for the offence

under Sections 457 and 380 of the IPC.

As per prosecution case, the unknown persons

entered in the house of the informant and looted household

articles.

Learned counsel for the petitioner submits that the

petitioner has falsely been implicated in the present case. He



further submits that the petitioner is not named in the FIR. He further submits that the petitioner is never put on test identification parade till now. He further submits that similarly situated co-accused, namely, Indrajeet Paswan & Indrajit Paswan has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 11077 of 2019 vide order dated 25.02.2019 and co-accused, namely, Amrendra Paswan has also been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 1334 of 2019 vide order dated 20.02.2019. Petitioner is in custody since 09.02.2021.

However, learned APP for the State vehemently opposed the prayer for regular bail and submitted that petitioner has eleven criminal antecedents.

Considering the aforesaid facts and circumstances and the period of custody of the petitioner, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Jhanjharpur, District- Madhubani in connection with Andhrathadi P.S. Case no. 41 of 2018 with following conditions:-

(i) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) 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. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(iv) 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.

brajesh kumar/-

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(Rajesh Kumar Verma, J)

