

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34087 of 2020

Arising Out of PS. Case No.-42 Year-2011 Thana- GADHPURA District- Begusarai

RAM PRAKASH PASWAN Son of Late Damodar Paswan Resident of
Village- Pirnagar, P.S.- Nawkothe, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-01-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Garhpura P.S. Case No. 42 of 2011 registered for the offence punishable under Sections 395 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, the informant with his family members was on way in the night on a Maruti car, he was intercepted and robbed by the unknown miscreants.

Learned counsel for the petitioner submits that the petitioner is not named in the First Information Report, till date no TIP has been conducted to identify him, there is no recovery from his possession and save and except the confessional statement of the co-accused in which the name of the petitioner has transpired, there is no material against him.

Learned counsel further submits that the petitioner has



two criminal antecedents but he is on bail in one of the cases. It is submitted that in respect of another case his bail petition is pending in this Court.

It is further submitted that the case of the petitioner is similarly situated with that of co-accused Rohit Kumar Paswan who has been granted bail by this Court in Cri. Misc. No. 2565 of 2020.

Learned APP for the State is present, however, after going through the case diary, learned APP submits that save and except the confessional statement no material has come against the petitioner and there is no red warrant against the petitioner as has been shown in the impugned order, let the petitioner above-named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Shri Rajeev Ranjan, learned J.M. 1st Class, Begusarai in connection with Garhpura P.S. Case No. 42 of 2011, subject to the condition 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 he is suspected, and

(c) that such 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 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(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'.

