

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6202 of 2021**

Arising Out of PS. Case No.-501 Year-2019 Thana- SAUR BAZAR District- Saharsa

SHIV KUMAR PASWAN @ SUKUMAR PASWAN SON OF
BALESHWAR PASWAN @ BATHAHA PASWAN RESIDENT OF
VILLAGE - BAIJNATHPUR, POLICE STATION - SOURBAZAR
(BAIJNATHPUR O.P.), DISTRICT - SAHARSA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dinesh Maharaj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-07-2021 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.

Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Sourbazar (Pastpar O.P.) P.S. Case No.

501 of 2019 for the offences registered under Section 392 of the

Indian Penal Code.

Learned counsel for the petitioner submits that as per

the prosecution story it is alleged that on 29.12.2019 at about

6.04 p.m. some miscreants borne on motorcycle looted a sum of

Rs. 130200/- from the staff of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the name of this petitioner has transpired in the confessional statement of co-accused Keshav Kumar. The petitioner is in custody since 20.3.2020.

Learned APP for the State has though opposed the prayer for 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 present case has been lodged against unknown, name of the petitioner has transpired in the confessional statement of one Keshav Kumar who is a non FIR named co-accused, till date the petitioner has not been put on Test Identification Parade and there is no recovery of any incriminating article from possession of the petitioner, the co-accused namely Keshav Kumar and Kundan Kumar have been granted bail by learned coordinate Benches of this Court by Cr. Misc No. 16045 of 2020 and Cr. Misc No. 11496 of 2020 respectively. The petitioner is said to be on bail in most of the cases stated in Paragraph-3 (total five nos. of cases), however, the learned counsel is not fully aware as to in how many cases

the petitioner is on bail, in this case the petitioner is said to be in custody since 20.3.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above-named 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 Additional Chief Judicial Magistrate II, Saharsa, in connection with Sourbazar (Pastpar O.P.) P.S. Case No. 501 of 2019, 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)

SONALI/-

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'.