

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8756 of 2021**

Arising Out of PS. Case No.-346 Year-2020 Thana- SHERGHATI District- Gaya

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AMIT PASWAN SON OF RAJENDRA PASWAN @ KARU PASWAN
RESIDENT OF VILL.- NAKNUPPA, P.S.- SHERGHATI AND DIST.-
GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Adv.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Sherghati P.S. Case No.346/2020 registered for
the offences punishable under Section 392 of the Indian Penal
Code.

As per the prosecution story when the informant was
returning to his office after collecting some money and reached
near Haldiram Factory, three unknown persons came on a bike
and after pointing out the pistol upon the informant snatched
away the bag in which a sum of Rs.17,718/- was kept. The
mobile phone of the informant together with the sim cards and
some papers of the company were also kept in the said bag. He

could not see the number of bike because the same was not legible.

Learned counsel for the petitioner submits that in course of investigation the name of the petitioner has transpired in the so-called information received from a spy. The police is said to have verified a CCTV footage and the informer of the police claims that few minute before the informant reached the alleged place of occurrence, three persons had crossed the same place on an Apache motorcycle. The petitioner is one of them.

Learned counsel submits that the name of the informer is not disclosed in the case diary and CCTV footage is not with respect to the alleged occurrence rather it only shows that who had crossed the earlier then.

Learned counsel further submits that the petitioner has not been put on T.I.P. and no incriminating article has been recovered from the possession of the petitioner. Prior to the present case he had two criminal antecedents, however after this case he has also been involved in another case. Petitioner is said to be on bail in all the three cases, so far as this case is concerned, he is in custody since 18.08.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner but while going

through the case diary, learned APP confirms that CCTV footage is not with respect to the alleged occurrence. It shows three boys passing through the area on an Apache motorcycle and the informer whose name has not been disclosed in the case diary claims that this petitioner is one of them. It is, however, not disputed that the petitioner has not been put on TIP and there is no recovery from this petitioner.

Considering the facts and circumstances of the case discussed hereinabove and that the petitioner is in custody for almost one year, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond 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, Sherghati, Gaya in connection with Sherghati P.S. Case No.346 of 2020, 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.

(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'.