

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11095 of 2022**

Arising Out of PS. Case No.-299 Year-2021 Thana- BALIYA District- Begusarai

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SUNIL PASWAN @ SUNIL KUMAR S/o Dinesh Paswan R/o village-
Chhoti Ballia, Paswan Tola, P.S.- Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 06-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Ballia
P.S. Case No. 299 of 2021 registered for the offence under
Sections 461, 379, 411 and 413 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 04.10.2021.

The allegation against the petitioner is to commit theft
along with other co-accused persons and while committing so
taken away five mobile phones, 3 lockets and cash of Rs. 1200/-
of the informant.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Vinay Kumar Paswan. It has further been submitted that during course of investigation, one mobile phone was recovered from the possession of the petitioner, but the specification of the said mobile was not matched with the mobile alleged to be stolen in the occurrence, as per seizure list and as such the recovered mobile having no implication, with present occurrence. It has further been submitted that petitioner is involved in 03 criminal cases, due to local village issues. While concluding the argument, it has been submitted that petitioner was never put on TIP, moreover, investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as recovered mobile from the possession of the petitioner is of no matching specifications as of mobile alleged to be stolen in the occurrence coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with



Ballia P.S. Case No. 299 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Bhukhali Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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