

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10442 of 2022

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

Rahul Paswan S/o Suresh Paswan Resident of Village- Durga Asthan Chhoti
Ballia (Paswan Toli), P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2022 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 and 379 of the Indian Penal Code and later on
Sections 411 and 413 of the Indian Penal Code has been added.

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
in the shop of the informant and in the other surrounding shops
and while committing so, taken away edible oils and other items
worth Rs.7 lakhs.

Learned counsel appearing on behalf of the petitioner



submitted that the name of the petitioner surfaced during the course of investigation. It has been submitted that nothing incriminating recovered from the conscious physical possession of the petitioner, which may incriminate the petitioner with the present set of occurrence. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and, moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered from the conscious physical possession of the petitioner, which may incriminate the petitioner with the present set of occurrence coupled with the fact that chargesheet 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 Chief Judicial Magistrate, Begusarai, subject to the following conditions:



“(i) That accused/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 Atal Kumar, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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