

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10946 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- SIMRI District- Buxar

Petu Paswan @ Pentu Paswan @ Rajesh Paswan Son of Bhushni Paswan R/O
Village- Dumari, P.S.- Simari, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-06-2022 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 Simari
P.S. Case No. 156 of 2021 registered for the offence under
Sections 457, 380 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.08.2021.

The allegation against the petitioner is to commit theft
in the dwelling house of the informant by house breaking in
night and while committing so, taken away jewellery, cash etc.

Learned counsel appearing on behalf of the petitioner
submitted that no stolen article, as alleged, has been recovered



from the conscious physical possession of the petitioner, which may suggest his involvement in the present occurrence. It has further been submitted that F.I.R. has been lodged after two days of the occurrence and the delay has not been explained. It has further been submitted that similarly situated co-accused, namely, Ranjan Kumar has already been granted bail by a learned Co-ordinate Bench of this Hon'ble Court vide order dated 04.04.2022 passed in Cr. Misc. No. 62907 of 2021.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that no stolen article has been recovered from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, no stolen article has been recovered from the conscious physical possession of the petitioner coupled with the fact that similarly situated co-accused has already been granted bail, let the petitioner, above named, is directed to be released on bail in connection with Simari P.S. Case No. 156 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, Buxar, subject to the following conditions:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing 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 properly represented on each and every date before the Trial Court till conclusion of the trial.

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

(Chandra Shekhar Jha, J)

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