

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17569 of 2022

Arising Out of PS. Case No.-708 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

SHIVA PASWAN @ SAIVJEE Son of Bangali Paswan Resident of Village -
Garhpura, P.s.- Garhpura, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pathak, Advocate
For the Opposite Party/s : Mr.Dr. Indiwari Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Begusarai Town P.S. Case No. 708 of 2020 for the offences
under Sections 394, 397, 411, 120(B) of the Indian Penal Code
and Section 27 of the Arms Act.

As per the prosecution story, the accused persons
stormed in the jewellery shop and on the pistol point looted
away cash and jewellery worth Rs. Two lakhs but not before
injuring the informant also. The petitioner, who has three
criminal antecedents under his belt, was arrested and on the
basis of C.C.Tv. Footage camera, the informant also identified
them.



Learned counsel for the petitioner submits that the procedure that has to be adopted for identification of an accused persons has not been followed as can be seen from paragraph-136 of the case diary.

Learned APP, on the other hand, State submits that the accused persons were caught in the C.C.Tv. Footage and on the basis of that, the informant has identified the accused persons including the petitioner herein.

Be that as it may, the petitioner is in custody since 06.01.2021 (as stated in paragraph-11 of the bail application), charge sheet stands submitted and he has ultimately to face the trial, this Court is inclined to grant him the privilege of bail after framing of charge.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai in connection with Begusarai Town P.S. Case No. 708 of 2020, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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