

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18463 of 2022

Arising Out of PS. Case No.-89 Year-2019 Thana- BELDOUR District- Khagaria

SHIV KUMAR @ SUKUMAR PASWAN @ SHIV KUMAR PASWAN S/O
BALESHWAR PASWAN R/o village- Baijnathpur, P.S.- Sour Bazar, Distt.-
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-04-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No. 307 of 2021, arising out of Beldaur Police
Station Case No. 89 of 2019, registered for the offences
punishable under Sections 395/412/34 of the Indian Penal Code.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was rejected by this Court, vide order, dated
22.03.2021, passed in Criminal Misc. No. 40064 of 2020.

The prosecution case, as per the First Information
Report, is that three accused persons surrounded a Bolero
Pickup Van bearing Registration No. WB-23E-9070 and took



away the same along with Rs. 10,000/-, mobile phones, 125 Plastic Carats and some documents from the informant on the gun point after assaulting the helper of the said vehicle.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. He further submits that no incriminating and/or looted article has been recovered from the conscious possession of the petitioner. He further submits that similarly situated co-accused persons, namely, Lalchand Kumar and Rahul Kumar, have been granted bail by co-ordinate Benches of this Court. He further submits that the petitioner is in custody since 28.02.2020 and charge sheet has been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

After having heard learned Counsel for the parties and taking into consideration the fact that this is second attempt for regular bail on behalf of the petitioner, similarly situated co-accused persons have been granted bail by this Court, charge sheet has already been submitted and the petitioner is in custody since 28.02.2020, I am inclined to grant regular bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional Sessions Judge, Khagaria, in connection with Sessions Trial No. 307 of 2021, arising out of Beldaur Police Station Case No. 89 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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