

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26826 of 2022

Arising Out of PS. Case No.-324 Year-2021 Thana- OBRA District- Aurangabad

SHIV PASWAN Son of Late Bira Paswan Resident of Village - Lila Bigha,
P.s.- Obra, Distt.- Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

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

The case is registered under sections 399, 402 of
the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms
Act in connection with Obra P.S. Case No. 324 of 2021.

As per the allegation in the FIR, upon secret
information, the police went to the place and apprehended a host
of persons which included the petitioner herein.

So far as the allegation against the petitioner is
concerned, upon search of this person, a mobile was recovered.

Learned counsel for the petitioner submits that it is
not the case of the police that it was a stolen mobile rather the



petitioner's mobile was shown in the seizure list. The counsel submits that only because the petitioner has criminal antecedent, he has been implicated in this case and he has already suffered by being in jail since 13.12.2021 (as stated in para-11 of the bail application).

Taking into account the fact that so far as this petitioner is concerned, there is allegation of recovery of mobile, he is in custody since 13.12.2021 and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

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 Chief Judicial Magistrate, Aurangabad (Bihar), in connection with Obra P.S. Case No. 324 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members 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)

Ravi/-

U		T	
---	--	---	--

