

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36713 of 2021

Arising Out of PS. Case No.-430 Year-2019 Thana- BIKRAM District- Patna

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ROHIT PASWAN S/O SURYADEV PASWAN @ SURYA DEO PASWAN
R/o village- Tara Nagar, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 58220 of 2021

Arising Out of PS. Case No.-430 Year-2019 Thana- BIKRAM District- Patna

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DILIP PASWAN Son of Beyash Paswan Resdient of Village- Chokipur
Pakrandha, P.S.- Rani Talab, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 36713 of 2021)

For the Petitioner/s : Mr. Ashok Kumar Sinha, Adv.

For the State : Mr. Kumar Veerendra Narayan, APP

(In CRIMINAL MISCELLANEOUS No. 58220 of 2021)

For the Petitioner/s : Mr. Ashok Kumar Sinha, Adv.

For the State : Mr. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

4 28-02-2022 Heard learned counsel for the petitioners as well as

learned APP for the State.

Let the defects, as pointed out by the office, be



removed within four weeks of start of normal functioning of the physical court.

The petitioners seek bail in connection with Bikram P.S. Case No.430 of 2019 registered for the offence punishable under Section 379 of the Indian Penal Code.

The prosecution case in short is that one Yogendra Singh, who happened to be the informant of the instant case, lodged this case, on the basis of an application, given to the SHO, Bikram P.S. alleging therein that he is the owner of a Tractor bearing Registration No.BR-01GF-3227, which was stolen by some unknown person, which is still traceless.

Learned counsel appearing on behalf of the petitioners submit that the petitioners are not named in the FIR and they have been falsely implicated in the present case. He further submits that the petitioner (Dilip Paswan) was arrested on 30.01.2020 in connection with Bikram P.S. Case No.43/2020, in which he disclosed the name of the accused persons. Learned counsel for the petitioners further submit that till date no TIP has been conducted by the prosecution and nothing has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners submit that charge sheet has been submitted against the petitioners and petitioner of Cr.



Misc. No.36713/2021 is in custody since 16.09.2020 and petitioner of Cr. Misc. No.58220/2021 is in custody since 06.04.2021.

Learned APP for the State on the basis of the material available on the record and the case diary has fairly submits that there is no sufficient material against the petitioner.

Considering the aforesaid facts, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, VIth, Danapur, Patna in connection with Bikram P.S. Case No.430 of 2019 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan /-

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