

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43579 of 2021

Arising Out of PS. Case No.-63 Year-2021 Thana- GUTHANI District- Siwan

Sachin Singh S/O Arjun Singh R/O Village-Sahasraon, P.S-Asaon, District-Saran (Chapra).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Guthani P.S. Case No. 63 of 2021 registered for the offence punishable under Section 392/34 of the Indian Penal Code and later on Section 414 of the Indian Penal Code was added. He is in custody since 17.03.2021. The petitioner has got two criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant was going to purchase some articles for his shop, at Karegi village three persons on a motorcycle stopped their motorcycle in front of the informant's



motorcycle. Thereafter they assaulted the informant with fists and on the point of knife pushed the informant and snatched the key of his motorcycle and fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused Rafi Paswan and the motorcycle in question has been recovered from another village. It is also submitted that till date no test identification parade has been conducted. The petitioner has remained in custody since 17.03.2021.

Learned counsel submits that the presence of the petitioner may be secured in course of trial.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the name of the petitioner has transpired in the confessional statement of the co-accused Rafi Paswan, the motorcycle in question has been recovered from another village Tali Mathia, till date no test identification parade has been conducted, the petitioner has got two criminal antecedents and out of that in one of the cases he is on bail, so far as the present case is concerned, he is in custody since 17.03.2021, investigation against him is complete and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail



bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Guthani P.S. Case No. 63 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

