

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34417 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- LAHERIMUHALLA District- Nalanda

Bhola Paswan @ Driver Bhola Paswan, Son Of Visheshvar Paswan @
Vishjeshvar Pasawn, R/O Village- Tharthari Dih, P.S.- Tharthari, District-
Nalanda

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-10-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Laheri P.S. Case No. 25 of 2022 registered for
the alleged offences under Sections 406, 420 and 34 of the
Indian Penal Code.

As per prosecution case, the petitioner is a truck
driver of the informant and he had been bringing a consignment
of 25 tons of silicon stones from Bhutan and he reported to the
owner that his truck was looted in the district of Raigarh.
However, when the informant/owner reached at the place, the



fact came to knowledge that the petitioner sold the consignment in Bihar itself. Out of the total consignment of 25 tons, 6-7 tons was sold to one Pappu ji, owner of a family restaurant. Rs. 2,40,000/- has been recovered from the house of the petitioner.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No recovery has been made from the co-accused who allegedly purchased the stone from this petitioner. The allegation of recovery of Rs. 2,40,000/- from the house of the petitioner is completely false as the petitioner has all along been with the truck and its owner and it was not possible for him to go to his house. Learned counsel further submits that investigation has been completed and charge-sheet against the petitioner. The petitioner is in custody since 12.01.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the submissions made on behalf of the parties and considering the period of custody of the petitioner and the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Biharsharif, Nalanda/concerned court in connection with Laheri P.S. Case No. 25 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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