

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49004 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- CHANDAUTI District- Gaya

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Anuj Paswan Son of Shankar Paswan Resident of Village - Krit Nawada, P.S.
- Chandauti, District - Gaya.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor 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.

Petitioner seeks bail in a case registered for the offences punishable under Sections 457, 380 and 395 of the Indian Penal Code.

According to prosecution case, on the basis of written report of the informant stating therein that in the night of 18.01.2021 when all the family members after having dinner went to sleep. Thereafter, due to some noise in the house he woke-up and saw that 6-7 miscreants were present in the house and on raising alarm all the accused persons fled away and it was found that some gold and silver ornaments, two mobile



phones and Rs.15,000/- were missing which were allegedly looted by the 6-7 unidentified miscreants.

Learned counsel for the petitioner submits petitioner is not named in the F.I.R. and petitioner is innocent and has committed no offence and he has falsely been implicated in the present case only on the basis of confessional statement of co-accused namely Arjun Paswan. He further submits that two mobile phone has been recovered from the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that some articles has been recovered from the house of the Arjun Paswan and the same was put under TIP by the prosecution on 10.05.2021. He further submits that after investigation police has submitted the charge sheet against the petitioner and other accused persons. The petitioner is in custody since 17.02.2021

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries seven criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Chandaoti P.S. Case No. 27 of 2021, subject to the following conditions:-

1. Petitioner 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 step 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.

(Rajesh Kumar Verma, J)

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