

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53480 of 2021

Arising Out of PS. Case No.-1161 Year-2019 Thana- BIHTA District- Patna

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RUDAL PASWAN SON OF SRI PASWAN R/O VILLAGE- CHAUKIPUR,
PAKRANDHA, P.S.- RANI TALAB, DIST.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma, Adv.

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bihta
P.S. Case No. 1161 of 2019 registered for the offences
punishable under Sections 379 of I.P.C.

As per prosecution case, the informant's tractor
was being stolen by some unknown persons from the door of
Indal Paswan, which is still traceless.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.06.2021. Petitioner bears five
criminal antecedent out of which four cases are of similar
nature. Charge sheet has already been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of this petitioner. The petitioner has no concern with the so call occurrence either directly or indirectly. The petitioner is not named in the F.I.R. The name of present petitioner transpired on the basis of confessional statement of co-accused Rohit Paswan. Except confessional statement of co-accused Rohti Paswan nothing is on record to implicate the present petitioner to alleged occurrence. Rohit Paswan has already been granted bail vide Cr. Misc. No. 36638 of 2021 by a co-ordinate bench of this Court and the case of present petitioner stands on better footing. The petitioner is not apprehended on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



A.C.J.M. 1st, in connection with Bihta P.S. Case No. 1161 of 2019,
subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned court without appropriate permission of concerned court.

(Alok Kumar Pandey, J)

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