

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56090 of 2021

Arising Out of PS. Case No.-62 Year-2020 Thana- BIHTA District- Patna

RUDAL PASWAN S/o Sri Paswan R/o Village- Chaukipur, Pakrandha, P.S.-
Rani Talab, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar, Adv
For the Opposite Party/s : Mr.Anil Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Bihta P.S.Case No.62 of 2020 registered for the offence under Section 379 of the Indian Penal Code.

The prosecution case, in short, is that one Dharmendra Kumar, who happened to be the informant of the instant case, lodged this case, by giving an application, to the S.H.O., Bihta P.S., Patna, alleging therein that he is the owner of a Tractor bearing Registration No. BR-01GF-1906 with a Trailer, which was stolen by some unknown person on 17.01.2020 from Devi



Sthan at village-Pakari, which is still traceless.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. He further submits that the name of the petitioner has come on the basis of the confessional statement of co-accused, namely, Rohit Paswan. He further submits that it appears from the FIR itself that the date of occurrence as mentioned in the FIR was 17.01.2020 and the present FIR has been lodged on 21.01.2020. He further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner remanded in the case on 18.06.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the aforesaid facts and period of custody, 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 learned Judicial Magistrate 1st Class, Danapur, Patna in connection with Bihta P.S.Case No.62 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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