

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58751 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- TEGHRHA District- Begusarai

VIDYA PASWAN, Son of Kamli Paswan Resident of Village- Simariya, P.S.-
Barauni, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Teghra P.S. Case No. 17 of 2021 for the offence punishable
under Section 412 of the Indian Penal Code and Sections 25(1-
b)a, 26 and 35 of the Arms Act.

As per the allegation made in the F.I.R., the petitioner
along with other co-accused were caught red handed at the place
of occurrence along with the vehicle Tata 1109 bearing
registration no. WB 37D5795 alleged to have stolen from the
State of West Bengal. Petitioner was possessed with two live



cartridges on the spot with the stolen vehicle.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He is driver by profession and he was not aware of the fact that as to whether the vehicle bearing registration no. WB 37D 5795 was stolen or not. He has brought on record his driving license by way of filing supplementary affidavit. Petitioner has clean antecedent and he is in custody since 16.01.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that criminal antecedent of the petitioner is required from the State of West Bengal as the petitioner is involved in stealing vehicles from different places outside the State of Bihar and such vehicles are involved in committing several crimes inside the State of Bihar. Hence the petitioner does not deserve to be released on bail.

Considering submission of rival parties, having perused the allegation made in the F.I.R., it appears that the vehicle was being driven by the petitioner and he was also found in possession of two live cartridges, seizure list was prepared but the same does not bear the signature of two independent witnesses and submission of the petitioner is that



he was forced to make signature on the seizure list at the police station, petitioner is in custody since 16.01.2021, there is no allegation of tampering with the evidence or influencing the witnesses and trial is also not likely to be concluded soon, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Begusarai in connection with Teghra P.S. Case No. 17 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the



criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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