

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64295 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- RUDRAPUR District- Madhubani

Amerendra Paswan Son Of Bhikhari Paswan Resident Of Village- Belmohan,
P.S.- Phulparas, Dist- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Hriday Narayan Harshit, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-05-2022 Learned counsel for the petitioner undertakes to re-
move all the defects as pointed out by the Stamp Reporter within
two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail
in connection with Rudrapur P.S. Case No. 54 of 2021 registered
for the offences punishable under Sections 457 and 380 of the In-
dian Penal Code. He is in custody since 01.07.2021. The petitioner
has got 8 criminal antecedents.

Learned counsel for the petitioner submits that with re-
gard to the same occurrence two FIRs have been lodged by the Po-
lice. In the first FIR being Rudrapur P.S. Case No. 53 of 2021, the
allegation is that while the villagers were chasing the thieves on
hulla that theft has been committed then one Ramesh Kumar



Chaudhary suffered a firearm injury and the villagers caught hold of the thief who is this petitioner. From his possession, one country-made katta and three live cartridges were recovered. Police has prepared a seizure list on 16.05.2021 at 06:00 A.M. It is submitted that subsequently Rudrapur P.S. Case No. 54 of 2021 has been registered for the offence under Section 457/380 IPC and another seizure list has been prepared on 16.05.2021 at 08:00 A.M. and seven items which are normal clothes available in any household in a village have been shown as recovery that too in the column of the place from where recovery has been made, the name of village Jalsen Chatra Gachi has been shown whereas the petitioner had already been arrested earlier and seizure list had already been prepared at 06:00 A.M. at village Jalsen Shoriya Gachi.

It is further submitted that in the FIR, the informant claimed theft of Rs.8,000/- cash, one gold chain and two silver coins but none of these articles has been found in possession of the petitioner.

Learned APP for the State has though opposed the prayer for bail of the petitioner citing his criminal antecedents, this Court has noticed that the petitioner had allegedly gone in custody after he was chased and caught hold of by the villagers in connection with Rudrapur P.S. Case No. 53 of 2021, a seizure list had already been prepared at 06:00 A.M. but subsequently after two hours



when petitioner was already in police custody another seizure list has been shown, there being materials on the record to impress upon this Court that the petitioner has been falsely implicated in this case, at this stage this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 1st Jhanjharpur, District Madhubani in connection with Rudrapur P.S. Case No. 54 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

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 steps 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.

And further condition that henceforth once in every two months the petitioner shall mark his attendance before the S.H.O. of Phulparas Police Station in the District of Madhubani and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the Police Station in connection with any employment etc. then also he



will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Phulparas Police Station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

The application stands allowed.

Let a copy of this order be sent to the Superintendent of Police, Madhubani for necessary instruction.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

