

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68627 of 2021

Arising Out of PS. Case No.-101 Year-2019 Thana- FULKAHA District- Araria

KADIR Son of Late Kudus Resident of Village- Khaira Gadhiya, Police Station- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 413, 414, 420 of the Indian Penal Code.

As per prosecution case, it transpires that the police had received a secret information to the effect that the accused Sanoj Paswan and his full brother co-accused Manoj Paswan had been engaging themselves in dealing with spurious gold and were indulging in selling such spurious gold to innocent people on exorbitant price. A raid was accordingly conducted by the



police in the grocery shop allegedly belonging to the persons named in the First Information Report. Co-accused Manoj Paswan was apprehended from the shop and gold biscuits were recovered from there. Co-accused Manoj Paswan is said to have accepted before the police about his involvement in commission of such offence and that he had shared the illegal money so earned with the accused persons.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from co-accused Manoj Paswan. He further submits that the name of the petitioner has been transpired only on the basis of confessional statement of co-accused Manoj Paswan. He further submits that except the confessional statement of co-accused Manoj Paswan nothing has come during investigation against the petitioner and co-accused Manoj Paswan has been granted bail by a Coordinate Bench of this Court vide order dated 14.11.2019 in Cr. Misc. No. 61903 of 2019 and another co-accused Sanoj Paswan has been granted bail by a Coordinate Bench of this Court vide order dated 05.03.2021 in Cr. Misc. No. 31588 of



2020 respectively. Police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.02.2021.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Fulkaha P.S. Case No. 101 of 2021, 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 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 witness, 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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