

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72095 of 2021

Arising Out of PS. Case No.-85 Year-2021 Thana- AMAS District- Gaya

JEETENDAR PASWAN S/o Maleshi Paswan @ Umesh Paswan R/o village-
Shivnagar, P.S.- Amas, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 05-07-2022 Vide orders dated 26.04.2022 and 18.05.2022,

petitioner is directed to file supplementary affidavit disclosing
correct position of criminal antecedent but office vide its note
dated 24.06.2022 reported that no supplementary affidavit has
been filed in this regard.

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 Amas



P.S. Case No. 85 of 2021 registered for the offences punishable under Sections 413, 414, 34 of the Indian Penal Code.

As per prosecution case, on 09.04.2021 the police party was on patrolling duty and as they reached at Sao Tola they saw two persons sitting on a motorcycle. The said two persons after seeing the police team tried to flee away but they were apprehended. On demand the accused persons did not produce any document relating to the motorcycle and they disclosed that motorcycle is stolen property. Petitioner is one of the persons who was apprehended on the spot.

Learned counsel for the petitioner submits that petitioner is in custody since 10.04.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that co-accused Dara Khan who was apprehended on the spot has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 60767 of 2021 and the case of the present petitioner stands on similar footing.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of



petitioner, co-accused having similar allegation has been granted bail, charge sheet has been submitted and also taking into consideration the material available on record, 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 Sri Subhash Kumar, learned Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Amas P.S. Case No. 85 of 2021, 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 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) However, the petitioner shall file an affidavit before the court below disclosing this fact that he bears no criminal antecedent at the time of furnishing bail bond and if the



court below finds that said statement is incorrect, bail bond of
the petitioner shall not be accepted by the concerned court.

(Alok Kumar Pandey, J)

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