

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(BEFORE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.644 of 2022**

Arising Out of PS. Case No.-62 Year-2021 Thana- BHIMPUR District- Supaul

SHIVSHANKAR PASWAN @ BHOLA PASWAN @ BAM BHOLA PASWAN, S/o- Laxmi Paswan, Resident of Village- Madhura West, Ward No.3, P.S.- Narpatganj, District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-05-2022 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Ms. Gulnar Begum, learned APP for the State.

The petitioner in the present is seeking regular bail in connection with Bhimpur P.S. Case No. 62 of 2021/G.R. No. 1266 of 2021 registered for the offences punishable under Section 379 of the Indian Penal Code. The petitioner is in custody since 08.07.2021. He has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 06.07.2021 at about 11.30 P.M. when the informant had gone to attend a marriage ceremony after



parking his motorcycle at the house of Binod Bhagat, some unknown persons committed theft of his motorcycle.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the stolen motorcycle was recovered while it was parked near a tea stall and not from conscious possession of the petitioner. It is further submitted that the petitioner is in custody since 08.07.2021 having no criminal antecedent.

Ms. Gulnar Begum, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that this case is under Section 379 of the Indian Penal Code, the alleged stolen motorcycle was recovered while it was parked near a tea stall and not from conscious possession of the petitioner, the petitioner has remained in custody in connection with this case since 08.07.2021, he has otherwise no criminal antecedent, in the circumstances, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st, Supaul/In-charge successor court in connection with Bhimpur P.S. Case No. 62 of 2021/G.R. No. 1266 of 2021, subject to the conditions



as laid down under Section 437(3) of the 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 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.

(Rajeev Ranjan Prasad, J)

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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 web-site under the heading 'Judicial Orders Passed During The Pandemic Period'.

