

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5833 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- AKHODHIGOLA District- Rohtas

RAKESH KUMAR PASWAN, Son of Kameshwar Paswan @ Kameshwar
Ram, Resident of Village- Gohi Tola, P.S.- Darihat, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar, Advocate
		Mr. Ganesh Mishra, Advocate
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-05-2023

List of these matters has been notified today.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Akodhigola
P.S. Case No. 149 of 2022 registered for the offence punishable
under Section 395 of the Indian Penal Code.

3 tractors along with trolleys, some other material and
equipment used for discharge of the works of construction have been
stolen, as per the FIR, alleged by the informant based on intimation
from the Site Supervisor.

Learned counsel for the petitioner submits that the
petitioner has been implicated on suspicion arising out of his
implication in one case in the Bihar Prohibition and Excise Act. The
petitioner is stated to be in custody since 27.10.2022. Not a single
article allegedly stolen as per the FIR has been recovered from the
petitioner. Other similarly situated co-accused persons as the



petitioner have been allowed bail in *Cr. Misc. Nos. 10630 of 2023, 10533 of 2023 and 6144 of 2023*. Moreover, investigation is also complete and as such there is no chance of tampering of evidence.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the fact that there is no recovery attributed to the petitioner and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by learned counsel for the petitioner.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Dehari, Rohtas, Sasaram, in connection with Akodhigola P.S. Case No. 149 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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