

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10191 of 2023

Arising Out of PS. Case No.-170 Year-2022 Thana- CHENARI District- Rohtas

Babloo Paswan Son Of Radheshyam Paswan R/O Vill.- Pithiaon, P.S.-
Chenari, Distt.- Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
30.08.2022 in connection with Chenari P.S. Case No. 170 of
2022, F.I.R. dated 11.06.2022 for the offences punishable under
Section 379 of the Indian Penal Code.

According to prosecution case, the informant brought
one motorcycle from Ravi Kumar and going to his house. The
motorcycle was not started then he parked the same in the
premises of Upendra Tiwari and went away to his house. Next
day in the morning, he received an information that the said
motorcycle has been stolen away.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the self confessional statement of the petitioner in Chenari P.S. Case No. 176 of 2022. He further submits that except the confessional statement of the petitioner, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and nothing has been recovered from the possession or the house of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 5 criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, 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 Additional Chief Judicial Magistrate-II, Rohtas in connection



with Chenari P.S. Case No. 170 of 2022, subject to 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 witnesses, 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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