

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10335 of 2023**

Arising Out of PS. Case No.-361 Year-2022 Thana- ROSERA District- Samastipur

BADAL KUMAR Son of Shri Bhikhan Paswan Resident of Village- Pateliya,  
P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      03-05-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is an accused in connection with Rosera P.S. Case No. 361 of 2022 registered for the offences under sections 379, 356 and 34 of the Indian Penal Code lodged on 27.10.2022 by the informant, Guddu Kumar.

The prosecution case in brief is that one Gudda Kumar filed a written petition before the concerned SHO alleging therein that he is posted in CAGL Financial company, Branch Rosera and on 25.10.2022 about 6.40 in the morning, he went for cash collection at Manamath and about eight places he collected a cash of Rs. 1,01,240/- and after keeping in his motorcycle bearing Reg No. BR 33AC 978 in the Dicky, he proceeded towards Rosera. At about 3PM in the evening when



he reached near Mabi Hallen, three persons on a black colour motorcycle overtook him and looted a cash of Rs. 100240/- and fled away from there. He identified the accused Roshan Paswan and also claimed to be able to identify the other accuseds. Accordingly, the FIR.

It has been contended that although he is in custody since 29.10.2022 (as stated in paragraph-9 of the bail application) neither there has been any T.I.Parade nor anything recovered from his conscious possession. Further, he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the aforesaid facts that he is in custody since 29.10.2022 and no T.I.Parade has been done nor anything has been recovered from his conscious possession and he do not have criminal antecedent, this Court is inclined to grant him privilege of bail. If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M., Rosera, District- Samastipur in connection with Rosera P.S.



Case No. 361 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

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