

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16206 of 2023

Arising Out of PS. Case No.-595 Year-2022 Thana- BIDUPUR District- Vaishali

NITESH PASWAN @ NITISH PASWAN Son of Dinesh Paswan @ Dinesh
Bhagat Resident of Village - Daudnagar, P.S.- Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 09.12.2022 seeks
bail, in connection with Bidupur P.S. Case No. 595/2022, dated
07.11.2022, for the offences punishable under Sections 392 of
the IPC.

3. According to prosecution case, the accused persons
are alleged to have looted the motorcycle of the informant along
with small steel box containing ornaments of the informant on
the point of gun.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. The
name of the petitioner has been transpired during investigation
on the basis of confessional statement of co-accused, namely,



Vicki Kumar. He further submits that it appears from the F.I.R. as well as seizure list that one motorcycle was recovered from the newly constructed house of the petitioner, in which no one was there in the house of the petitioner and on the basis of confessional statement of the co-accused the same belongs to father-in-law of the petitioner (Annexure-2), the motorcycle has been recovered and looted mobile phone was recovered from the possession of the co-accused and till date no T.I.P. was conducted by the prosecution. He further submits that co-accused, namely, Vicki Kumar has been granted bail by this Court vide order dated 20.04.2023 passed in Cr. Misc. No. 2705/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 09.12.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried four criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the four cases.

6. 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 Sri Mukesh Kumar, J.M.1st Class, Vaishali at Hajipur in connection with Bidupur P.S. Case No.595/2022, 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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