

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29676 of 2023

Arising Out of PS. Case No.-1013 Year-2022 Thana- SHERGHATI District- Gaya

RAHUL KUMAR PASWAN Son of Late Jagdeep Paswan Resident of Village
- Padariya, P.S.- Madanpur, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zainul Abdin

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-06-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sherghati (Dobhi) P.S. Case No. 1013 of 2022 registered for the
offences punishable under Section 392 of Indian Penal Code.

As per prosecution case, four unknown persons
came on two motorcycles bearing registration No.
BR02BC3340 and BR02AN6100 and snatched the bag of
informant in which Rs. 9,40,000/- was kept.

Learned counsel for the petitioner submits that
petitioner is in custody since 31.10.2022. Petitioner bears no
criminal antecedent. Charge sheet has already been submitted in
the case and there is no likelihood of tampering with the
prosecution evidence. Learned counsel further submits that the



petitioner is not named in the F.I.R. Name of present petitioner has been transpired on the basis of confessional statement of co-accused Pintu Kumar and Devan and on the confessional statement of co-accused Pintu Kumar Rs. 1,10,000/- was recovered from the petitioner as the said amount was given to the petitioner for the purpose of depositing in bank account of one Chhotu Kumar, in this way the petitioner is not involved in the alleged occurrence. No TIP has been made till today. Learned counsel further submits that co-accused Nikhil Kumar Choubey has already been granted bail vide Cr. Misc. No. 17298 of 2023 by a co-ordinate bench of this Court and the case of present petitioner stands more or less on similar footing. He further submits that petitioner is innocent and has committed no offence as alleged in the F.I.R.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the petitioner and also taking into consideration the material available on record,



let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Sherghati at Gaya/Concerned Court in connection with Sherghati (Dobhi) P.S. Case No. 1013 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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