

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33398 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- KANHAULI District- Sitamarhi

SIKINDAR PASWAN @ SIKENDRA PASWAN SON OF SOGARATH
PASWAN Resident of Village- Pipra Dadan, P.S. Kanhauli, District-
Sitamarhi, Pin Code- 843317

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection
with Kanhauli P.S. Case No.08 of 2023 instituted under Sections
413, 414/34 of the Indian Penal Code lodged on 12.01.2023 by
the informant Gauri Shankar Thakur.

As per the FIR, the informant, Gauri Shankar Thakur,
ASI alleged that on 12.01.2023, he along with armed forces
raided at the western side of Lakhandel river near village
Muhachatti on receiving secret information that two persons
stolen motorcycle. It is further alleged that on the sight of police
party, two persons tried to escape leaving two motorcycles. One
person was apprehended while another accused person escaped
taking advantage of water. The apprehended accused person



disclosed his name as Sikindar Paswan and the name of the escaped person as Md. Munna and further confessed that he along with Md. Munna were selling the stolen motorcycle to Nepali citizen. Two motorcycle were seized after following the rules of seizure. Accordingly, the FIR.

Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession and only basis for his implication is the confessional statement before the police. The last submission is that he will be abiding by all the terms and conditions, if released on bail.

Learned APP opposes the prayer.

Considering the period of his custody since 12.01.2023 (as stated in para-12 of the petition) as also that nothing has been recovered from his conscious possession, FIR lodged ultimately will have to face the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kanhauli P.S. Case No.08 of 2023 to the satisfaction of learned Judicial Magistrate, Ist Class, Sitamarhi, subject to 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 appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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 the bail bonds;

(v) 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.

(Rajiv Roy, J)

Prakash Narayan /-

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