

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.41863 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- GURUA District- Gaya

Chandan Kumar @ Chandan Paswan Son of Sri Shankar Paswan Resident Of
Village- Ghoraghat, P.S.- Dobhi, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshansh Ankit, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Section 394 of the Indian Penal
Code.

According to prosecution case, as per written report of
the informant namely, Ranjeet Kumar Gupta in brief, is that he
is running a shop at Sagahi Bazar. On 29.06.2021 when the
informant along with his wife Rinki Devi and two staffs
members Sonu Mandal and Rajendra Mandal were present in
shop in the meanwhile the informant went to bring water from
Tube-well in the meanwhile three unknown persons entered into
his shop and on the point of pistol demanded keys of the
counter. The miscreants opened the counter and taken away



Rs.1,00,000/- and two mobiles and fled. It is further alleged that the miscreants also threatened the informant with dire consequences.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of self confessional statement of the petitioner. He further submits that it appears from the seizure list that one mobile was recovered from the possession of the petitioner but the same is not the looted mobile and the same is personal mobile of the petitioner. He further submits that till date no TIP has been conducted by the prosecution and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 04.07.2021.

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

Considering the aforesaid facts and circumstances as well as period of custody, 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 Court below where the case is pending in connection with Gurua P.S. Case No. 144 of 2021, (G.R. No. 985 of 2021), 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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