

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48445 of 2023**

Arising Out of PS. Case No.-66 Year-2023 Thana- KATIHAR MUFFASIL District- Katihar

Sanoj Kumar Paswan Son Of Dharam Chand Paswan Resident Of Baghmara,
Ps- Manihari, Distt- Katihar. At Present Residing At- Balu Tola, Fasia, Ps And
Dist- Kartihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 19-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
10.04.2023 in connection with Katihar (Mufassil) P.S. Case No.
66 of 2023 , F.I.R. dated 29.03.2023 for the offences punishable
under Sections 394 of the IPC.

3. According to prosecution case, in the night of
28.03.2023, the informant was on duty, as he is gate man in
railway, in the meantime, two miscreants arrived there and make
pressure upon informant to open gate, on refusal they assaulted
him and also snatched away his belongings, mobile, purse,
golden ornament. One miscreant demanded phone-pe I.D. and
on that basis Rs.9000/- withdrawn by said miscreant.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case on the basis of his previous criminal antecedent and the information furnished by the local spy. Thereafter, the petitioner has also confessed his guilt in the present occurrence (paragraph-55 of the case diary). He further submits that except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and nothing has been recovered from the conscious possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.04.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three more criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in all the 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 the learned Chief



Judicial Magistrate, Katihar in connection with Katihar (Mufassil) P.S. Case No. 66 of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Prakash Narayan

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