

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47369 of 2023

Arising Out of PS. Case No.-157 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

Munna Paswan @ Amar Paswan S/O Bisun Paswan R/O Village- Anwarpur
Purvi, Gandhiashram, P.S.- Hajipur Town, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Industrial Area P.S. Case No. 157 of 2021 registered for the offences punishable under Sections 461, 379 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 06.09.2021 the informant got information that bundle of clothes was stolen from his warehouse. On 17.09.2021, when the informant viewed the CCTV footage, he found that two thieves have committed the crime and he identified one of them as Kundan Rai who was working in his warehouse as a labourer.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. It is submitted that the informant has identified the co-accused Kundan Rai in the CCTV footage and the name of this petitioner has been taken by the elder brother of said Kundan Rai. It is also submitted that there is no recovery of stolen goods from the possession of the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein from the FIR it appears that the informant has identified the co-accused Kundan Rai in the CCTV footage and not this petitioner, the name of the petitioner has been taken by the elder brother of said Kundan Rai saying that he was also there, however, there is no recovery of stolen goods from the possession of the petitioner and the submission is that he has been falsely implicated on mere suspicion as he has otherwise no criminal antecedent, in the circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Industrial Area P.S. Case No. 157 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Vaishali at



Hajipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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