

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28342 of 2023

Arising Out of PS. Case No.-151 Year-2022 Thana- MADHUBAN District- East Champaran

CHIKARU PASWAN S/O JOGENDRA PASWAN Resident of Village-
Taksari, P.S.- Madhubani, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Madhuban P.S. Case No.151 of 2022 instituted under Sections 380, 511 of the Indian Penal Code lodged on 09.04.2022 by the informant Mohan Pandit.

As per the prosecution story, the allegation is that on 08.04.2022, when the informant/family members were sleeping, the accused persons entered to commit theft, caught, the petitioner being one of them.

Learned counsel for the petitioner submits that due to confusion, they considered the petitioner as thief and handed over to the police and is in jail since 10.04.2022 (para-8 of the petition).

Learned APP opposes the prayer for bail that he was caught on spot.



Taking into account the custody of the petitioner which is more than one and half year and he do not have criminal antecedent, 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 Madhuban P.S. Case No.151 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Motihari, East Champaran, 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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