

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51849 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- RAHIKA District- Madhubani

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Himanshu Paswan @ Sudhanshu S/O Mahendra Paswan R/O Village-
Rampur Pali, Ps. Khajauli, Dist. Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.05.2023 in connection with Rahika P.S. Case No. 75 of 2023,
F.I.R. dated 20.04.2023 for the offences punishable under
Section 395/397 of the Indian Penal Code.

3. According to prosecution case, the petitioner is
alleged to have looted mobile phone, Rs. 10,000/-, a locket and
12-13 bags of wheat from the truck of the informant.

4. 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 is transpired only on the
basis of confessional statement of co-accused person namely



Rahul Kumar and his statement was recorded in Rahika P.S. Case No. 76 of 2023 and from the conscious possession of the petitioner, Rs. 1000/- has been recovered. He further submits that the petitioner is remanded in the present case from Rahika P.S. Case No. 76 of 2023 and except the confessional statement of co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and till date, no T.I.P. has been conducted by the prosecution. He further submits that police after investigation has submitted a charge-sheet against the petitioner. The petitioner is in custody since 15.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of Paragraph – 3 of the bail petition that he is on bail in this case.

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, Madhubani, in connection with Rahika P.S. Case No. 75 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)

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