

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54138 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- PIPRA District- East Champaran

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SOHAN KUMAR @ SOHAN PATEL @ SOHAN SINGH SON OF LATE
SHANKAR PATEL RESIDENT OF VILLAGE- SHRIPUR KAIWYA, PS-
GHORASAHAN (JHAROKHAR), DISTT- EAST CHAMPARAN AT
MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard the parties.

The petitioner is in custody in connection with Pipra
P.S. Case No. 165 of 2022 for the offence under sections 392,
414 of the Indian Penal Code lodged on 28.05.2022 by the
informant, Dinesh Paswan.

As per the prosecution story, the allegation is that
miscreants snatched the pick-up van loaded with 'kurkure'.
Accordingly, the FIR.

Learned counsel for the petitioner submits that only
because of his criminal antecedent, he is regularly being
implicated in one after another case, nothing has been recovered
from his conscious possession, is in custody since 23.05.2023
(as stated in paragraph 9 of the petition) and similar placed co-
accused, Pawan Kumar Rai has since been granted bail by a co-



ordinate Bench vide Cr. Misc. No. 72310 of 2022.

Let the same be kept on record.

Learned APP, on the other hand, submits that his case is different from Pawan Kumar inasmuch as there is no clarity whether he has criminal antecedent or not whereas in the present case, the petitioner has thirteen criminal cases of the same nature under his belt.

Considering the facts on record, the submissions put forward by the learned counsel for the petitioner as also the State, the petitioner is in custody since 23.05.2023 and one of the co-accused has since been granted relief, as stated above, this Court is inclined to extend him the privilege of only after framing of the charge in view of the fact that he has more than dozen case under his belt.

Let the petitioner be released on bail after framing of charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM Motihari, East Champaran, in connection with Pipra P.S. Case No. 165 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her 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 six months to mark his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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