

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55965 of 2022

Arising Out of PS. Case No.-169 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

Bindhyachal Kumar @ Bindhyachal Paswan Son of Prithwi Paswan @
Prithwi Paswan Resident of Village- Karpurwa, P.S.- Darigaon, District-
Rohtas(Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 420, 467, 468, 409, 413, 411
and 120(B) of the Indian Penal Code.

According to prosecution case, there was theft of two
trucks and both the trucks were recovered from two different
places. Two persons were trapped by the police and they
disclosed that they use the Rakesh Pal and this petitioner as a
liner and used them as a driver.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person, namely, Arvind Kumar Pal. He further submits that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from abandoned place. He further submits that except the confessional statement of the co-accused person, namely, Arvind Kumar Pal, no other cogent material has come during investigation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Arvind Kumar Pal has been granted bail by a co-ordinate Bench of this Court vide order dated 25.07.2019 passed in Cr. Misc. No. 45354 of 2019, Anuj Kumar Pal has been granted bail by a co-ordinate Bench of this Court vide order dated 20.01.2020 passed in Cr. Misc. No. 86163 of 2019 and Rakesh Kumar Pal has been granted bail by a co-ordinate Bench of this Court vide order dated 22.07.2019 passed in Cr. Misc. No. 44861 of 2019. The petitioner is in custody since 16.06.2022.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 5 criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Mohania P.S. Case No. 169 of 2019, subject to the following conditions:-

1. 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.

2. 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.

3. 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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