

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64803 of 2022

Arising Out of PS. Case No.-356 Year-2021 Thana- PATNA GRP CASE District- Patna

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Bipin Kumar Paswan Son of Ram Bilash Paswan Resident of Mohalla- Dih Chhapra, P.S- Bahadurpur (Fekna O.P) Dist- Darbhanga. At present Residing in the house of Arun Yadav, Laljee Tola, P.S- Kadamkuan, Dist-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Dubey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2023 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 419, 420 and 414 of the Indian Penal Code.

According to prosecution case, several mobile phones, sim cards and Rs. 6,000/- and one belt belonging to the police department were recovered from the possession of the petitioner and on query regarding the aforesaid recovered article, the petitioner could not reply satisfactorily.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that 3 mobile phones, 6 sim cards and Rs. 6,000/- have been recovered from the possession of the petitioner. He further submits that in fact, nothing has been recovered from the possession of the petitioner rather the police have planted the same and shown that the recovery has been made from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.10.2021.

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

Considering the aforesaid facts and circumstances and the period of custody, 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 GRP Patna Junction P.S. Case No. 356 of 2021, 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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