

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62369 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- Dehri Mufassil District- Rohtas

Naga Paswan Son Of Awdhesh Paswan R/O Village- Bharkuriya, P.S.-
Darihat, District- Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Dehari
(M) P.S. Case No. 45 of 2022, registered for the offences
punishable under Section 392 of the Indian Penal Code.

The prosecution case as emerges from the FIR is
that on 10.03.2022 at 09:30 P.M. when the informant left
his village Ghordiha with a sand loaded tractor, which he
himself was driving and when he reached near Dhenuka
Public School at about 10:30 PM, the petitioner and his
associates stopped him on the point of pistol and took his
motorcycle towards village Suara, some how the petitioner



jumped from the motorcycle and saved his life. The allegation of threat to life and robbing of the alleged tractor is also there.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR. He also submits that no TIP has been conducted by the police till date. He further submits that as per the case-diary the recovery of robbed tractor has not been made from the possession of the petitioner. He also submits that the said tractor has been recovered near the house of the co-accused Prem Chand Mahto. He further submits that investigation in this is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 14.03.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier



either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Sub Divisional Judicial Magistrate, Dehri, Rohtas in connection with Dehari (M) P.S. Case No. 45 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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