

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69152 of 2023**

Arising Out of PS. Case No.-200 Year-2021 Thana- BANMANKHI District- Purnia

MANISH PASWAN @ MANISH KUMAR PASWAN son of Ashok Kumar
@ Ashok Paswan Village- Rajwadih Ps- Janki Nagar Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 19-10-2023 Heard the parties.

2. The petitioners is an accused in connection with Banmankhi P.S. Case No. 200 of 2021 registered for the offences under sections 394 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 21.06.2021 by the informant, Raj Kumar Yadav.

3. As per the prosecution story, the allegation is that the informant had gone to cattle fair along with his co-villagers on Tata Magic vehicle to sell their cattles. The selling amount of Rs. 47,000/- was with the informant and Rs. 30,000/- with the Mahendra Yadav and while returning found a motorcycle standing in the middle road with the accused persons. He surrounded and snatched the amount, this led to the lodging of the FIR.

4. Learned Counsel for the petitioner submits that his



name has come in the confessional statement of Md. Imtiyaz, no T.I. Parade has been done nor there is any recovery from his part though he has criminal antecedent, has remained in custody since 27.04.2023 (as stated in paragraph 4 of the bail application).

5. The further submission is that Md. Imtiyaz on whose confession his name has come in the case has since been granted bail by a co-ordinate bench in Cr. Misc. No. 71057 of 2022 on 17.03.2023.

6. Learned APP for the State, on the other hand, opposes the prayer for bail.

7. Taking into account the submissions put forward by the parties, though he is in custody since 27.04.2023, no T.I. Parade has been conducted nor anything recovered from his conscious possession and further the co-accused has been granted bail, as stated above, this Court is inclined to extend him privilege of bail.

8. Let the petitioners be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousands only) with two sureties of like amount each to the satisfaction of the learned A.C.J.M. Ist, Purnea in connection with Banmankhi P.S. Case No. 200 of 2021, subject to the following conditions:-



(i) both the bailors should be the family member of the petitioner who shall provide official document to show his *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 month for next one year to mark 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 his 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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