

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74262 of 2023

Arising Out of PS. Case No.-156 Year-2021 Thana- KATHAIYA District- Muzaffarpur

Bibhuti Kumar Paswan, S/O Govind Paswan, Resident of Village and P.S.-
Kathaiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Kathaiya P.S. Case No. 156 of 2021, registered for the alleged offences under Section 394 of the Indian Penal Code.

3. As per prosecution case, two persons on a motorcycle overtook the motorcycle of the informant, a collection agent of some bank, and on gunpoint, snatched his mobile phone and Rs.3480/- and also a bag containing some documents. The petitioner was identified as one of the miscreants by local people.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case at the instance of his enemies. The name of the petitioner surfaced in this case on the basis of disclosure made by the local people, who had inimical terms with this petitioner. There is no material on record to show the complicity of the petitioner in the aforesaid case. Moreover, nothing incriminating has been recovered from the person or possession of the petitioner, who has been made accused merely on suspicion and due to his criminal antecedents. The learned counsel further submits that the co-accused Sonu Nigam from whom recovery has been shown has been granted bail by a Coordinate Bench of this Court vide order dated 26.11.2022 passed in Cr. Misc. No.10263 of 2022. The petitioner is in custody since 24.05.2023 and charge sheet has been submitted. The petitioner has got criminal antecedent of five cases, but he is on bail in all such cases.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner and further considering the submission of charge sheet and the period of custody of the petitioner and also considering the grant of bail to the co-accused from whom recovery has been shown, the



petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, West, Muzaffarpur, in connection with Kathaiya P.S. Case No. 156 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

