

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74866 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- BARH District- Patna

Shankar Paswan S/O Munna Paswan Resident Of Village-Prem Nagar
Khagaul, P.S.-RUPASPUR, District-Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

2. The petitioner seeks regular bail in connection with
Barh P.S. Case No. 147 of 2023 dated 03.03.2023 lodged under
Section 392 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged not against the petitioner rather against the unknown
accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R.. The allegation of robbery
of mobile phone and Rs.3000/- cash has alleged to be snatched
from the informant.

5. Counsel further submits that petitioner is not named
in the F.I.R. and his name has figured in this case by virtue of



confessional statement of co-accused. He submits that the allegation has come in the F.I.R. that the said looted mobile was in use of the petitioner in which the number of one Pinki Devi was inserted there, with this allegation, the petitioner was apprehended.

6. Counsel further submits that petitioner was not put on T.I.P.. He submits that there are two criminal antecedent of the petitioner in which he is on bail. He submits that petitioner is in custody since 15.03.2023.

7. Counsel also submits that the present case which has been lodged, is magisterial triable in nature.

8. Learned counsel for the State opposes the prayer for bail and submits that the looted articles have been recovered from the petitioner's possession and another case was also lodged under Section 3RP (U.P.) Act.

9. Upon specific query whether charge has been framed or not. Counsel submits that he is not aware about the framing of charge.

10. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Barh in connection with Barh P.S. Case No. 147 of 20

the following conditions as laid down



under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J.)

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