

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4021 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- MUSRIGHRARI District- Samastipur

RAUSHAN PASWAN S/O LATE RAMCHANDRA PASWAN R/O
VILLAGE- MAHTHI, PO AND P.S- UJIARPUR, DISTT.- SAMASTIPUR,
STATE- BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhigyan Kumar

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Musarigharari P.S. Case No. 167 of 2023 registered for the
offences punishable under Section 414 of the IPC.

3. As per prosecution case, petitioner is said to
have apprehended on the spot and from his possession, one
Toyota car in question as well as mobile phone was recovered
and for the alleged recovery, he did not produce any
documentary proof.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 18.10.2023 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. He further submits that no TIP has been conducted uptill now. There is no independent witness of the seizure list. Petitioner is not physically fit to commit such type of occurrence and in the light of said submission learned counsel has submitted medical certificate of the petitioner which is annexed at annexure 2 of the bail petition. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur, District-Samastipur in connection with Musarigharari P.S. Case No. 167 of 2023, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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