

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8404 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- CHACKMEHSI District- Samastipur

Vijay Paswan S/o Late Nathuni Paswan R/o Vill - Mahmada Math, Bhuiya
Asthan Tola, Ward No. - 4, P.S. - Pusha, Dist. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Chakmehsi P.S. case No.
179 of 2023 instituted for the offences under Sections 413, 414
and 34 of the Indian Penal Code.

3. Prosecution allegation, in short, is that the petitioner
along with other co-accused were apprehended by the police
with stolen auto rickshaw, which they were going to sell.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Learned counsel
for the petitioner submits that the petitioner has no concern with
the seized auto rickshaw. No recovery was made from the
conscious possession of the petitioner. The petitioner is in



custody since 21.09.2023 and has two criminal antecedents in which he is on bail in one case. Similar co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 18.01.2024 passed in Cr. Misc. No. 709 of 2024 and order dated 08.02.2024 passed in Cr. Misc. No. 4493 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chakmehsi P.S. case No. 179 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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