

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18992 of 2024

Arising Out of PS. Case No.-52 Year-2023 Thana- CHUTIA SAHAYAK District- Rohtas

Sunil Paswan S/o- Budhan Paswan R/V- Parchha Ps- Chutiya Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Rakesh Kumar Mishra, learned counsel
for the petitioner and Mr. Sanjay Kumar Pandey, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chutiya P.S. Case No. 52 of 2023, F.I.R. dated 10.10.2023 for the offences punishable under Sections 323, 504, 506, 379 and 354(B) of the Indian Penal Code.

3. According to prosecution case, this petitioner snatched the gold chain of the informant and also assaulted her by means of torch.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case due to previous enmity. He further submits that from perusal of the F.I.R it appears that the petitioner has



snatched the chain of the informant. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that the informant knows the petitioner very well but still she chose to file the F.I.R after delay of 36 hours which states that the date of occurrence as alleged in the F.I.R is 09.10.2023 at 5:00 am but the present F.I.R was instituted on 10.12.2023 at 5:30 pm.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R that there is specific allegation against the petitioner that he has snatched the gold chain of the informant and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Dehri, Rohtas in connection with



Chutiya P.S. Case No. 52 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. 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.
- iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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