

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23695 of 2024

Arising Out of PS. Case No.-173 Year-2021 Thana- GURUA District- Gaya

Chandan Paswan @ Chandan Kumar, (M), aged about 22 years, son of Uday Paswan, resident of village- Barwan, B.T. Bigha, P.S.- Sherghati, District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Gurua PS Case No.173 of 2021 dated 12.08.2021, instituted for the offence punishable under Section 394 of the Indian Penal Code.

3. The allegation against the petitioner is that he along with others assaulted the informant and snatched his mobile phone. It is also alleged that the petitioner and others have took out cash from the informant's pocket and tried to flee away. One of the co-accused was caught on the spot who disclosed the name of others.

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



case. It is further submitted that the petitioner has been named accused in the present case only on the basis of confessional statement of Binay Kumar, who was apprehended at the spot. It is further submitted that nothing incriminating article has been recovered from conscious possession of the petitioner. Lastly, it is submitted that the petitioner is in custody since 28.12.2023 having one criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Sherghati, Gaya, in Gurua PS Case No.173 of 2021, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in



any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

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