

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24076 of 2024

Arising Out of PS. Case No.-762 Year-2023 Thana- JAMUI District- Jamui

Binod Paswan, Male, aged about 25 years, Son of Dhuri Paswan, Resident of village - Bamuara, P.S. - Halsil, District – Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 23-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Jamui P.S. Case No. 762 of 2023 instituted for the offences punishable under Section 392 of the Indian Penal Code.

3. As per the prosecution case, three accused persons after covering their faces with mask and muffler stopped the informant and have snatched his motorcycle, cash of Rs. 400/- and a mobile phone.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case due to ulterior motive. Petitioner has committed no offence as alleged in the FIR. Petitioner has not named in the FIR. The name of the petitioner has come from the confessional statement of co-accused Ritesh



Raj @ Prem Kumar. Nothing has been recovered from the conscious possession of the petitioner and there is no any evidence to connect the petitioner in this case. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 11.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge, Jamui dated 01.03.2024, it appears that in course of investigation the Investigating Officer, has recorded the restatement of the informant at para 4, whereas at para nos. 7 and 8 the statement of the other witnesses have been mentioned. At para 46, confessional statement of accused-petitioner has been mentioned, from which, it transpires that on the alleged date of occurrence, co-accused Gagan Jyoti Verma has arrived at his house and has requested the petitioner to keep the motorcycle at his house since the motorcycle has been purchased on finance, and due to non-payment of installment, the financier of the motorcycle is in the process of seizing the motorcycle. The said co-accused Gagan Jyoti Verma has further requested the accused-petitioner to keep the motorcycle in his house, in the meantime, he is trying to arrange the installment amount to be paid to the financier, and according



to the accused-petitioner, believing on the versions of the co-accused, he just kept the motorcycle at his house which has been recovered by the police. There is no any evidence to connection the petitioner in the alleged crime, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 762 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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