

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26247 of 2024

Arising Out of PS. Case No.-446 Year-2023 Thana- SAHPUR District- Bhojpur

Sadhu Paswan @ Sadhuji Paswan S/o Sudarshan Paswan, R/o vill - Kanaili,
P.S. - Sahpur, Distt. - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2024 Heard Mr. Raju Kumar Singh, the learned counsel
for the petitioner and Mr. Arun Kumar, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sahpur PS Case No. 446 of 2023, FIR dated
27.09.2023, registered for the offence punishable under Section
379 of the Indian Penal Code.

3. According to prosecution case, the motor through
which the informant used to irrigate his land got stolen and it
was later revealed that the petitioner along with other co-
accused persons was involved in the theft of informant's motor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the basis of suspicion



and except suspicion no other cogent material has come during investigation which suggests the involvement of the petitioner in the alleged occurrence. He lastly submits that the informant is not the eyewitness to the alleged occurrence.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent, nothing has come during investigation which suggests the involvement of the petitioner in the present occurrence and the informant is not the eyewitness to the alleged occurrence, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Additional Chief Judicial Magistrate-I, Bhojpur at Ara, where the case is pending in connection with **Sahpur PS Case No. 446 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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