

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26016 of 2024

Arising Out of PS. Case No.-671 Year-2023 Thana- BARH District- Patna

Sanjay Paswan son of Bhago Paswan @ Bhagwat Paswan Resident of
Village- Laxmasthan, Atnawan, Police Station- Barh, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kanika, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2024 Heard Ms. Kanika, the learned counsel for the

petitioner and Ms. Meena Singh, the learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Barh PS Case No. 671 of 2023, FIR dated

12.10.2023, registered for the offences punishable under

Sections 379 and 414 of the Indian Penal Code.

3. According to prosecution case, on the basis of

information received from one apprehended co-accused namely,

Rajiv Kumar, the Barh police raided the house of another co-

accused namely, Bikku Paswan and arrested him and based on

his statement, one of the E-Rikshaw was found in front of the

house of the petitioner and another was found in front of the

house of the co-accused Rahul Kumar.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case mainly. She further submits that petitioner is not named in the FIR and the name of the petitioner has transpired during investigation on the basis of confessional statement of the co-accused person namely, Bikku Paswan and on the basis of the confessional statement of the co-accused person one looted E-Rikshaw has been recovered from in front of the house of the petitioner and except the aforesaid no other material has come during investigation which suggests the involvement of the petitioner in the present occurrence. She lastly submits that similarly situated co-accused person namely, Rahul Kumar has been granted the privilege of anticipatory bail by this Court vide order dated 14.03.2024 passed in Cr. Misc. No. 18060 of 2024.

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 the petitioner has clean antecedent and similarly situated co-accused person has been granted the privilege of anticipatory bail by this Court, 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, Barh, Patna, where the case is pending in connection with **Barh PS Case No. 671 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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