

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83797 of 2023

Arising Out of PS. Case No.-837 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Arvind Paswan, S/O Mr. Maheshwar Paswan R/O Village- Manikpur, P.S-
Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritwik Thakur, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sadar P.S. Case No. 837 of 2022, lodged on 14.12.2022 under
Sections 408, 420, 379, 34 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against two named accused persons other than the present
petitioner against whom there is an allegation that they have
contacted with the informant for taking his truck for commercial
purpose and for that, agreement was prepared and only one
installment of Rs.90,000/- were paid and thereafter, no money
has been paid. Upon demand of informant's truck, nothing has



been disclosed and apprehension has been made that there may be change in the engine and chassis number of the truck and any wrong may be committed by the accused persons. With this allegation, FIR has been lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the specific allegation has come in the rejection order that the petitioner in his confessional statement has accepted his role in defrauding the truck owners, obtaining their trucks and tempering with their engine and chassis number and disposing them to various people.

5. Learned counsel for the petitioner submits that the criminal antecedent of the petitioner is clean and he is in custody since 24.08.2023. Counsel also submits that the charge-sheet has already been submitted in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the order sheet, it transpires that the petitioner is a kingpin in defrauding and disposing of the trucks of the different people. Counsel also submits that 35 such trucks have been recovered.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above**



named be granted bail, but only after framing of charge, if not framed on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 837 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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