

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85634 of 2023

Arising Out of PS. Case No.-588 Year-2023 Thana- BIHAR District- Nalanda

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Vinod Paswan Son of Umesh Paswan Resident of Village - Nizampura, P.S.-
Asthawan, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bihar
P.S. Case No. 588 of 2023 registered for the offences punishable
under Section 392 of the IPC.

3. As per prosecution case, four persons came on
motorcycle for taking the petrol of Rs. 60. On demanding money,
petitioner and others started abusing and assaulting the informant by
butt of pistol on back side of the head and they snatched Rs. 30,000/-
on the point of pistol. Thereafter, three of the accused persons fled
away and petitioner was apprehended on the spot and he disclosed
the name of other co-accused who are also involved in the alleged
occurrence.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 18.07.2023 and bears criminal



antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that petitioner was coming from station on foot and reached near petrol pump and when he came to know that dispute has taken place between staff of petrol pump and his neighbour, he went there to pacify the said dispute and during the course of mediation he has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner was already apprehended in the present case on 01.07.2023 but in the course of appearing in Court, he fled away from the police custody so Bihar P.S. Case No. 589 of 2023 has been constituted against the present petitioner and again he was remanded in present case from Bihar P.S. Case No. 589 of 2023, which indicates that attitude of the petitioner is not good.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 588 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for a single date without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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