
(2021) 03 PAT CK 0105

In the Patna High Court

Case No : Criminal Miscellaneous No. 31893 Of 2020

Sunil Paswan @ Suneel Kumar Paswan @ Karka

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 12-03-2021

Acts Referred:

Indian Penal Code, 1860 — Section 379, 427, 461, 511
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 03 PAT CK 0105

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Sandip Kumar Gautam, Suman Kumari Singh

Final Decision : Disposed Of

Judgement

1. Heard Mr. Sandip Kumar Gautam, learned counsel for the petitioner and Ms. Suman Kumari Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Balia PS Case No. 109 of 2019 dated 08.04.2019, instituted under Sections 461/379/511/427 of the Indian Penal Code.

3. Though, the petitioner is not named in the FIR, but on the confessional statement, he has been named as an accomplice in the attempt to commit theft in the Bank.

4. Learned counsel for the petitioner submitted that nothing was stolen and only attempt was made. It was further submitted that there is no recovery from him as there was nothing taken from the Bank and further the confessional statement of co-accused is before the police. Learned counsel submitted that though he has two more criminal cases against him, but the same is under the Excise Act, in which he has been granted bail.

5. Learned APP submitted that the co-accused has stated that the petitioner was also part of the gang which tried to commit theft in the Bank. However, it was not controverted that no theft took place.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in Balia PS Case No. 109 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

8. The application stands disposed off in the aforementioned terms.