

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44444 of 2017

Arising Out of PS.Case No. -160 Year- 2015 Thana -BARUN District- AURANGABAD

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Pawan Kumar Singh Son of raj Kumar Singh @ Ram Kumar Singh
Resident of Village-Dighi P.S. Nabinagar District Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
13.06.2016 in connection with Barun P.S. Case No. 160 of 2015
for offences punishable under Sections 392/364/411 of the Indian
Penal Code.

The prosecution case, as lodged by the driver of the
truck, is that while he was carrying goods in the truck some
miscreants overtook and took away the truck loaded with goods.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and his name
surfaced on the confessional statement of one Vakil Kumar and
Amarjeet Kumar in Barun P.S. Case No. 172 of 2015 before the



police which has no evidentiary value in the eye of law. He submits that his name also surfaced on the confessional statement of one Birendra Kumar and that co-accused Dharambir Singh @Kannu @ Dharambir has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 25694 of 2016 on 09.09.2016. He submits that the petitioner was not even present at the place of occurrence as he was in custody in connection with Mohania P.S. Case No. 80 of 2012. It is further submitted that charge-sheet has been submitted and some of the accused who have made confessional statement have been granted the privilege of bail by this Court. It is further submitted that the petitioner is ready to co-operate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is involved in five cases although acquitted in one case but is a habitual offender.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 160 of 2015, subject to the conditions that:

(1) Both bailors would be close relative of the petitioner



having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.
- (4) The petitioner will also appear before the concerned police station or mark his attendance in the first week of every month till one year, failing which, his bail bonds will be cancelled.

(Nilu Agrawal, J)

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