

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59229 of 2019**

Arising Out of PS. Case No.-291 Year-2019 Thana- JAHANABAD District- Jehanabad

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Pawan Kumar Sharma @ Pawan Sharma Son of Nathuni Sharma Resident of
Village - Keotaliya, P.S.- Drauli, Distt - Siwan.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Nawal Kishore Prasad, Advocate

For the Opposite Party : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Jehanabad P. S. Case No.291 of 2019 registered under Section
365 of the Indian Penal Code.

Learned counsel for the petitioner has contended that
the allegations made in the FIR do not attract any cognizable
offence. In that view of the matter, the police had no jurisdiction
to register an FIR and investigate the case. The written
information given by the informant Dhana Devi is simply a
missing person report for which a station diary entry ought to



have been made. He has further contended that in course of investigation, in paragraph 72, the witnesses have stated that Shankar Mistry was a drunkard and was in the habit of leaving the home.

On the other hand, learned Additional Public Prosecutor for the State has contended that one of the accused has stated that he himself, the petitioner and the husband of the informant, who went missing had taken wine together and, thereafter, Shankar Mistry was handed over to an unknown person.

In reply, learned counsel for the petitioner submitted that the contention made by co-accused has got no evidentiary value. That part, the petitioner is a mechanic and is earning his livelihood by working in a garage. He has no criminal antecedent and having got roots in the society, he is not likely to abscond or tamper with the evidence.

Considering the entirety of the case, in the event of arrest or surrender before the court below, the petitioner named above is directed to 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, Jehanabad in Jehanabad P. S. Case No.291 of 2019,



subject to the conditions as laid down under Section 438 (2) of
the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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