

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19080 of 2020

Arising Out of PS. Case No.- 185 Year- 2018 Thana- District- Madhepura

NAWASH KUMAR @ NAWASH SINGH @ NIWASH KUMAR @
NIWASH SINGH GENDER-MALE, AGED 29 YEARS SON OF
RAJENDRA SINGH R/O VILLAGE-GANGAPUR, DOCTOR TOLA,
PS-ALAMNAGAR, DISTRICT-MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Op. Party

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Adv
For the Respondent/s : Mr. Vinod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

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Date : 15-04-2020

Counsel for the petitioner undertakes to remove the
defects as pointed out by the stamp reporter as soon as High
Court resumes it's normal functioning.

Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks regular bail in connection with
Puraini P.S. Case No. 185 of 2018 registered for the offence
punishable under section 392 of the Indian Penal Code.

Informant in his fardbeyan has stated that on



08.10.2018 at about 8:15 pm he along with one other employee of the gas godown namely Bablu Kumar Ram after closing the godown were returning to home in the meantime three motorcycle borne miscreants intercepted them and on the strength of arms snatched the bag containing Rs. 1,29,570/-. FIR is against unknown.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and has been falsely implicated in this case on the basis of suspicion only. The name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Amit Roy. It has been further submitted that Informant has stated in his fardbeyan that he can identify the accused persons but till date TIP of the petitioner has not been conducted. Charge has been framed against the petitioner. Petitioner is in custody since 17.08.2019.

Learned counsel for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail on



furnishing bail bond of Rs. 20,000/- with two sureties of the like amount in connection with **Puraini P.S. Case No. 185 of 2018**, to the satisfaction of **Judicial Magistrate-1st Class, Udakishunganj, Madhepura**, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and valid reason, the trial court shall have liberty to cancel his bail bonds.

(2) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(3) If the petitioner is found involved in similar nature of offence, after his release on bail the trial court shall take steps to cancel his bail bonds.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my *e-mail* I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my *e-mail* I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in



the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) The said order shall be communicated to the Court below for the needful by the Secretary through *e-mail*.

(v) Let a copy of the order be sent to the learned counsel for the petitioner also on his *e-mail* address. Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(S. Kumar, J)

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