

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 25311 of 2021

**Arising out of P.S. Case No.- 356 year 2019 Thana- Goraul District-
Vaishali at Hajipur.**

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Pawan Kumar son of Baleshwar Rai, resident of Village- Dhane Goraul, P.S.
Goraul, District Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Adv.

For the Opp. Party/s : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 04-08-2021

The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail inasmuch as the earlier prayer of the petitioner for grant of bail in connection with Goraul P.S. Case No. 356 of 2019 for the offence punishable under Sections 399, 402, 313 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act, 1959, was rejected by this Court by an order dated 5.11.2020 passed in Cr. Misc. No. 27851 of 2020.



The police is alleged to have recovered one country made pistol and two cartridges from the possession of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 26.9.2019 i.e. almost since two years. It is also submitted that though this Court had rejected the prayer of the petitioner for grant of bail on the previous occasion on account of the petitioner being involved in four criminal cases, but now the fact is that he has been enlarged on bail in all the aforesaid four cases, hence, a sympathetic view be taken, especially in view of the fact that the mother of the petitioner has expired on 01.02.2021 and his wife has also fled away, hence nobody is there to look after the children of the petitioner, who have been left to fend for themselves.

Having regard to the facts and circumstances of the case, considering the period of incarceration of the petitioner herein and the fact that the petitioner has been granted bail in all the other criminal cases in which he is an accused as also taking into account the pitiable conditions of his children, as stated in paragraph no. _____ of the petition, I deem it fit and proper



to enlarge the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Vaishali at Hajipur in connection with Goraul P.S. Case No. 356 of 2019.

(Mohit Kumar Shah, J)

Tiwary/-

