

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31195 of 2021

Arising Out of PS. Case No.-415 Year-2020 Thana- FALKA District- Katihar

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ADWAI KUMAR SINGH SON OF RAMASHISH SINGH R/O VILLAGE-
DHARHARA, P.S.- GOPALPUR, DISTRICT- BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.APP.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-11-2021 The present petition 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.

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

Petitioner seeks bail in connection Falka (Pothiya) P.S. Case no. 415 of 2020 registered for the offence punishable under sections 411, 413, 414 of the Indian Penal Code and sections 25(1-b), 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that petitioner is in custody since 16.12.2020 and charge sheet has been submitted in this case and from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that



on 15.12.2020 he received confidential information that three young persons who were on Apache motorcycle has caused injury to one person and was fleeing away leaving their motorcycle. Accordingly, it is alleged that police reached and after chase, two of the accused were apprehended who disclosed their names as Adwai Kumar Singh (petitioner) and Milind Kumar Singh. He further disclosed the name of the accused who fled was Sivam Kumar Singh. Accordingly, it is stated that search was made and from possession of petitioner, two live cartridges out of which one was used and Rs 2000/- was recovered and he confessed that he looted the said money from a businessman on 14.12.2020 and rest of the money he has kept at Kamat of his Nana. Further from possession of Milind Kumar Singh, it is alleged that a loaded country made pistol with magazine was recovered.

Learned counsel for the petitioner further submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that Rs 2000/- was recovered then he proceeded to the house of maternal grand father for verifying of the looted money. So far as injury injury on the person is concerned, for that a separate case has been instituted.



Learned APP submitted that since petitioner has criminal antecedent of six cases, five mentioned in para 3 of bail petition and about one, learned counsel for the petitioner just now disclosed.

Considering the facts that from possession of petitioner, two cartridges were recovered out of which one was used and as submitted by learned counsel for the petitioner that money belongs to him and charge sheet has been submitted, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate I, Katihar in Falka (Pothiya) P.S. Case no. 415 of 2020 with condition that one of the bailers would be his father and till trial commences petitioner would mark his attendance on 15th of every month in the concerned police station commencing from December, 2021, in the event, if petitioner flaws condition of bail, the learned court below would be at liberty to cancel his bail bond.

(Satyavrat Verma, J)

s.hassan/-

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