

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35651 of 2020

Arising Out of PS. Case No.-246 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

Pawan Kumar, aged about 24 years, Son of Late Vijay Thakur Resident of Mohalla - Ashok Nagar, Pokhariya (Jhopar Patti), Ward No. 36, P.S. - Town, District- Begusarai.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Onkar Nath, Advocate

For the Opposite Party : Mr. Akshay Lal Pandit, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-01-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered for the offence punishable under section 307 and other ancillary sections of the Indian Penal Code and sections 25, 26, 27 and 35 of the Arms Act.

Prosecution's case is that on 16.5.2020 at about 2 AM, while the informant was on patrolling duty, the petitioner and his accomplice tried to flee from the spot on seeing the patrolling police party and they also opened fire on the police party. On arrest a country made pistol with magazine and two live cartridges were recovered from his possession.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No such offence had taken place. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner has got no criminal antecedent and he is in custody since 17.5.2020. Charge sheet has also been filed



in the case.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above 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 Chief Judicial Magistrate, Begusarai in Town Begusarai Police Station Case No. 246 of 2020/GR No.1456 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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