

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38730 of 2020

Arising Out of PS. Case No.-107 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

Pawan Kumar Singh @ Pawan Chouhan, Son of Dinesh Chouhan @ Dinesh Singh, Resident of Village-Nadaon, Ward no. -10, P.S.-Buxar Mufassil, District-Buxar.

... .. Petitioner

Versus

The State of Bihar Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Heard learned counsel for the petitioner and Md. Fahimuddin, learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Buxar (Muffasil) P.S. Case No. 107 of 2019 registered for the offences punishable under Sections 414, 420 of the Indian Penal Code and Section 11 of Wengal Gambling Act. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that with the help of police personnel he raided near the railway line of Jagdishpur (south side), on seeing the police party 10-15 persons fled away but one co-accused Vikash Kumar Dubey was arrested who has taken the name of this petitioner and other accused who were playing gambling.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, petitioner has not been arrested at the place of occurrence and nothing has been recovered from his possession. Learned counsel submits that the name of this petitioner has transpired in the confessional statement of co-accused.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the submission that the name of this petitioner has transpired in the confessional statement of the co-accused, he was not arrested on the spot and none of the articles which have been recovered as per seizure list belonged to the petitioner and further that three co-accused in this case have been granted privilege of pre-arrest bail by learned coordinate Benches of this court vide order passed in Cr. Misc. No. 40231/2019 and Cr. Misc. No. 36020/2019, this Court directs that in the event of his arrest or surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Muffasil) P.S. Case No. 107 of 2019,



subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

