

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38961 of 2020

Arising Out of PS. Case No.-258 Year-2020 Thana- AMNAUR District- Saran

PAWAN KUMAR Son of Paspati Prasad Resident of Village- Amnour
Harnarayan, P.S.- Amnour, District- Saran.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Ms. Bela Singh, Advocate.
For the State : Mr. Arun Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 14-07-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 23.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection with Amnour P.S. Case No.258 of 2020 registered under Sections 380, 461 and 411/34 of the Indian Penal Code.

The accusation is that on 11.07.2020 at about 09.00 P.M., the informant Gauri Shankar Prasad after locking his hardware shop went to his house and when he returned to his



shop in the morning of 12.07.2020 to open the same, he found the lock of the shop broken and cash Rs.95000/-, as kept in the cash box, missing. On the alarm being raised, the neighbours rushed and on visualizing the CCTV footage, Sachin Kumar, Vishal Kumar and Pawan Kumar (petitioner) were seen moving in the lane at about 11.00 P.M. on 11.07.2020, who have committed the theft after breaking the lock of the shop of the informant. In CCTV, Sachin Kumar and Vishal Kumar were identified. On query, Sachin Kumar and Vishal Kumar admitted about committing the theft in the shop of the informant in the association of Pawan Kumar (petitioner) and they also disclosed that they have received only Rs.1000/- and the remaining amount has been taken by Pawan Kumar (petitioner).

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case with an ulterior motive showing the confessional statement of the co-accused Sachin Kumar and Vishal Kumar. Moreover, after lodging the case, the informant has filed a compromise petition on 18.08.2020 in the court of the Additional Chief Judicial Magistrate-IX, Saran at Chapra, which would appear from Annexure-2 to this application. The petitioner has no criminal antecedent.



Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IX, Saran, in connection with Amnour P.S. Case No.258 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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