

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37828 of 2022

Arising Out of PS. Case No.-101 Year-2018 Thana- HISUWA District- Nawada

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Pawan Kumar @ Bhagwan Jee Son Of Sri Shailendra Singh Resident Of
Village- Siur, P.S.- Roh, District- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Nayan, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Hisua P.S. Case No. 101 of 2018 lodged under Section 364 of
the I.P.C.

As per the prosecution case, the F.I.R. has been filed
against unknown accused persons alleging therein that the
informant's son aged about 18 years has went outside his house
and informed on the next day that he reached Nawada.
Thereafter, no talk took place between informant and his son.
Informant states that he received call on his mobile from the
mobile of his son demanding ransom of Rs. 7 lacs.

Subsequently, on 18.04.2018, the present F.I.R. has been lodged.

Learned counsel for the petitioner submits that as per F.I.R., the alleged occurrence took place on 11/12.04.2018 and F.I.R. has been lodged on 18.04.2018 that is delay of about 7 days. Counsel further submits that petitioner is innocent and has committed no offence. He submits that his name has figured in this case by virtue of the confessional statement of one Pawan Singh. Counsel further submits that the said Pawan Singh was granted bail by the Co-ordinate Bench of this Court vide order dated 28.02.2022 passed in Cr. Misc. No. 51590 of 2021 (Annexure-2). Counsel further submits that upon going through the order by the Co-ordinate Bench, it transpires that in paragraph 123 of the case diary, it has come that there is a case pending against the victim of the present case of kidnapping to a girl.

Counsel further submits that there is one case pending against him in which he is on bail and he is in custody since 02.03.2022.

Learned counsel for the State opposes the prayer for bail and submits that it is true that there is a criminal case of kidnapping pending against the present victim.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees

Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Hisua P.S. Case No. 101 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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