

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51590 of 2021

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

PAWAN SINGH @ KAILU SINGH @ PRINCE Son of Late Bishundeo Singh Resident of Village- Keshouri, P.S.- Pakribarawan and District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-02-2022 Heard learned counsel for the petitioner and Mr. Nagendra Prasad, learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions Trial No. 149 of 2021 arising out of Hisua P.S. Case No. 101 of 2018 instituted for the offences under Sections 364 and 364(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 28.11.2020, charge-sheet has been submitted in the case and charges have been framed and the petitioner has antecedent of ten cases of serious in nature.

Learned counsel for the petitioner submits that the informant alleges that his son (victim) on 11.04.2018 had left for Saraikela for going to Dayal Vigha and on 12.04.2018, the



victim informed the informant that he reached Nawad. Thereafter, the informant did not had any communication with the victim nor the victim reached at his home at Nawada. Thereafter on 15.04.2018 a call from the Mobile of the victim was received on the mobile of the informant and an extortion of Rs. 7 lakhs was demanded for releasing the victim. Thereafter, again on 18.04.2018 threatening was given. Accordingly, the First Information Report was instituted alleging that the victim till date has not been recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case based on his antecedents, his name has transpired only on the basis of the confessional statement of co-accused, Subodh Kumar @ Chhotani. As such, it is submitted that accused in whose confessional statement, the name of the petitioner has transpired has already been granted bail and, as such the petitioner deserves to be enlarged on bail. Learned counsel for the petitioner further submitted that during the course of investigation, the statement of the petitioner was recorded at paragraph 104 of the case diary, wherein he confessed that he had killed the victim and thrown his body at Delhua hills. Learned counsel for the petitioner further submits that though



the confession was made in police custody, but in pursuance of the said confession the dead body has not yet been recovered and as such, the charge sheet has been submitted under Section 364 of the Indian Penal Code. Learned counsel for the petitioner further submits that at paragraph -123 of the case diary, it has been recorded that the victim was also a person with criminal antecedent and he eloped with a girl from his village and is staying in Jharkhand. Learned counsel for the petitioner further submits that paragraph 123 of the case diary is the supervision by the Dy. S.P.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner but is not able to meet the submission of the learned counsel for the petitioner that the charge sheet has been submitted under Section 364 of the Indian Penal Code and paragraph 123 of the case diary records that the victim is staying in Jharkhand.

Learned counsel for the petitioner at this stage, submits that though the charges have been framed but till date not a single witness have been examined.

Considering the fact that the petitioner is in custody since 28.11.2020, charge-sheet has been submitted in the case and also taking into consideration the submission made by the



learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – XIth, Nawada in connection with Sessions Trial No. 149 of 2021 arising out of Hisua P.S. Case No. 101 of 2018, subject to the condition that one of the bailor shall be the wife of the petitioner (Priti Kumari) and further if the petitioner on two consecutive dates does not appear in the trial, the court below will forthwith cancelled his bail bonds.

(Satyavrat Verma, J)

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