

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43733 of 2022

Arising Out of PS. Case No.-550 Year-2019 Thana- BARH District- Patna

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Pawan Raj @ Pawan Kumar Son of Sri Suresh singh Resident of village -
Malikpur, P.O.- Sonmai, P.S.- Dhanarua, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Barh
P.S. Case No. 550 of 2019 registered for the offence punishable
under Section 395 of the Indian Penal Code.

Allegedly, the accused persons being 10 to 12 in
number overtook a pickup vehicle which was being driven by
the informant and they forcefully stopped the informant's
vehicle and thereafter looted Rs. 920/- and a mobile phone from
the possession of the informant at gun point and also looted the
articles loaded in the informant's vehicle but later on the vehicle



was found in abandoned condition near the road.

The main submissions advanced by learned counsel Mr. Bijay Kumar appearing for the petitioner are that the petitioner's name surfaced in the statement of co-accused Vikash Kumar who has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 65304 of 2021 and some co-accused persons whose implicity were also revealed by the said co-accused are on bail and against the petitioner there is no any material except the statement of the co-accused given before the police and after his arrest the police failed to recover any of the looted articles from his possession. Further submission is that against the petitioner there is criminal antecedent of fifteen cases and he has been granted bail in ten cases.

Learned APP Mr. Suresh Prasad Singh appearing for the State has opposed the bail prayer but accepted that against the petitioner there is no any material except the confessional statement of the co-accused and also accepted that after the petitioner's arrest no recovery of any looted article was made from the possession of the petitioner.

Heard both the sides and perused the FIR and the order impugned. Though the petitioner has a long criminal



history, but the main defence taken by the petitioner is that he has been dragged in this case mainly on the basis of statement of co-accused Vikash Kumar and except this there is no any other material against him and police failed to recover any of the looted articles from his possession after he was taken into custody in the present matter. The said defence has not been refuted by the learned APP and the co-accused Vikash Kumar who revealed the role of this petitioner is on bail and some other similarly situated co-accused persons are also on bail and the petitioner has been undergoing judicial custody since 03.09.2020 mainly on the basis of confessional statement of the co-accused and against him the investigation has been completed and the court below while rejecting the prayer of the petitioner mainly placed reliance upon the statements of co-accused persons given before the police in respect to the involvement of the petitioner in the alleged crime. Considering all these facts as well as petitioner's custody period, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner 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 the Court concerned in connection with Barh P.S.



Case No. 550 of 2019, 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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