

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44766 of 2022

Arising Out of PS. Case No.-8 Year-2020 Thana- MOKAMAH District- Patna

PAWAN RAJ @ PAWAN KUMAR Son of Sri Suresh Singh R/v- Malikpur,
P.O- Sonmai, P.S- Dhanarua, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2022 Let the defect(s), as pointed out by the office, be removed
within a period of four weeks from today.

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

The petitioner seeks bail in connection with Mokama P.S.
Case No. 08/2020 registered for the offences punishable under
Section 392 of the Indian Penal Code and added Sections 395 and
412 of the Indian Penal Code.

As per prosecution case, 3-4 accused persons on the point
of pistol assaulted the informant and took away Rs. 2 lacs besides
mobile phone and other articles. FIR against unknown.

Learned counsel for the petitioner submits that petitioner
is innocent and has falsely been implicated in this case. The
petitioner is not named in the FIR. The name of petitioner transpired
in this case on the basis of confessional statement of co-accused
Rohit Kumar and Kundan Kumar. The petitioner is languishing in



custody since 19.12.2020 and bears criminal antecedent of 15 cases. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has not been put on T.I. Parade till date. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Rohit Kumar and Kundan Kumar who confessed the name of petitioner, have been granted bail by the different co-ordinate Benches of this Court vide Cr. Misc. Nos. 35024/2020 and 46194/2021 respectively which is annexed at Annexure-3 of the bail application and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Barh in connection with Mokama P.S. Case No. 08/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or



sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not live the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

