

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57838 of 2021

Arising Out of PS. Case No.-224 Year-2020 Thana- NOKHA District- Rohtas

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Pawan Kumar Singh @ Pawan Yadav @ Pawan Kumar S/O Binod Singh R/o
village- Prastampur, P.S.- Natwar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Narayan Singh, Adv

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 21-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Nokha P.S. Case No.224 of 2020 for the
offences punishable under Sections 307, 353, 413, 414,
420, 427 and 34 of the Indian Penal Code and Section 27 of
the Arms Act.

As per the prosecution case, It is alleged that the
police on an information that one Scorpio vehicle bearing
registration no. BR01PK-7265 has been looted by unknown
miscreants and they were fleeing towards Nokha, which



was chased and intercepted, whereupon all the four criminals sitting on the vehicle started firing on the police party however, out of four, the petitioner was apprehended but three persons succeeded in fleeing away.

Learned counsel for the petitioner submits that from the FIR, it is evident that the alleged occurrence took place on 29.11.2020 at about 2 pm, but the FIR has been instituted after delay of one day and from the seizure list, it appears that the alleged looted vehicle was recovered in front of Prajapati Bhawan on the road of Chatauna but surprisingly, there is no independent witness to the seizure list. He further submitted that only because of past criminal antecedent, he was apprehended and thereafter his name has implicated in this case. He also submitted that there is no eye witness to the alleged occurrence rather it is a case that looted property has been recovered allegedly from the possession of the petitioner and as such no other offence is made out except the offence under section 414 of the Indian Penal Code. Moreover the petitioner is in custody since 01.12.2020.

On the other hand, learned counsel for the State



opposed the bail application and submits that petitioner was apprehended with looted Scorpio and has found involved in three other criminal cases.

Regard being had to the submission made on behalf of the of the parties and considering the fact that petitioner has neither put on TIP nor he has been identified as one of the miscreants, who was involved in looting of the vehicle, apart from the petitioner is in custody since 01.12.2020 and moreover, after completion of investigation charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas in connection with Nokha P.S.Case No. 224 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification

(Harish Kumar, J)

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