

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.56309 of 2022

Arising Out of PS. Case No.-767 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

PRANAV KUMAR S/O PAVAN RAY @ PAWAN KUMAR Resident of
village- Rajaura, Ward No- 6, P.S.- Muffasil, District- Begusarai.. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under section 398 of the
Indian Penal Code read with Section 25 (1-b)a/26/35 of the
Arms Act, in connection with Begusarai Town P.S. Case No.
767 of 2021.

As per the prosecution story, the police upon
information reached bus stand and saw some persons being
assaulted by the accused persons. As the police approached
there while some of them managed to escape, two accused
persons were apprehended with country made pistol and live
cartridges. They further disclosed that they wanted to loot the
vehicle. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that due
to normal scuffle between the parties, the police projected the



same as loot of the vehicle and that too have been put in the mouth of the accused persons and accordingly he is in custody since 28.6.2022 although do not have any criminal antecedent. His last submission is that one of the co-accused Chhotu Kumar has since been released on bail by a coordinate bench of this Court vide Cr. Misc. No. 12209 of 2022 on 12.7.2022.

Learned APP appearing on behalf of the State has opposed the prayer for bail.

Taking into account the aforesaid facts that he is in custody since 28.6.2022, charge-sheet stands submitted and one of the co-accused, as stated above, has since been enlarged on bail as also that he do not have any criminal antecedent, this Court is inclined to grant him the privilege of bail. However, if it is found that the petitioner do have any criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Begusarai Town P.S. Case No. 767 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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