

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15901 of 2023

Arising Out of PS. Case No.-631 Year-2020 Thana- HILSA District- Nalanda

PAWAN KUMAR SON OF AJAY SHARMA RESIDENT OF VILLAGE
MOKIMPUR, POLICE STATION HULASGANG, DISTRICT
JEHANABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Hilsa P.S. Case No. 631 of 2020 for the offence registered under section 392 of the Indian Penal Code lodged on 09.12.2020 by the informant, Laxman Kumar.

The prosecution story, in brief, as follows is/are that :-

(i) on 09.12.2020 at about 4.15 A.M., his driver Vikash Kumar was going from the Godown with Makai worth Rs. One Lakh Fifty Thousand only by Bolero vehicle bearing no. BR-01GH-4697 and as he proceeded from Petrol Pump and reached Gulani Chimani Bhatta, one white colour Innova vehicle took over and on the point of pistol pushed his driver and fled away with the vehicle towards Ekangarsarai Road.



They later threw his driver, Vikash Kumar near Jhumaki river of Ghoshi and fled away towards Islampur with the aforesaid two vehicles;

(ii) later his driver called the informant by the mobile of another person and narrated the whole story.

Accordingly, the FIR.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and his name has come in the confessional statement of the other co-accused and nothing has been recovered from his possession.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the aforesaid fact that the petitioner do not have criminal antecedent and nothing has been recovered from his possession, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Hilsa P.S.



Case No. 631 of 2020 subject to condition as laid down under
Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of
the petitioner, who shall provide official document to show his
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 bail
bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every month for next one year to mark 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 the bail bonds.

(Rajiv Roy, J)

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