

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38475 of 2022

Arising Out of PS. Case No.-189 Year-2017 Thana- BANKA District- Banka

PAPPU SINGH SON OF NARESH SINGH R/O VILLAGE- RAMPUR, P.S.
AND DISTRICT- BANKA (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Banka P.S. Case No. 189 of 2017, (G.R. No. 818 of 2017), registered for the offence punishable under Sections 147, 149, 337, 431, 438, 427 and 307 of the Indian Penal Code.

The case of the prosecution, in brief, is that on 3.4.2017, while the informant was going to Saharsa on his motorcycle, after having loaded sand and had reached near Chutia More, he saw that traffic had been blocked by the protesters, who were 500-700 in number, on account of an



accident having taken place in which a schoolgirl had died on the spot, after being knocked down by a truck. It is also alleged that thereafter, some of the protesters had set the truck of the informant on fire, after pouring diesel on it.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 16.04.2022. The learned counsel for the petitioner has further submitted that the petitioner is not named in the FIR and his name has transpired subsequently during the course of investigation, however, neither there is any eye-witness of the said occurrence nor anyone has indicated about the role of the petitioner in the alleged occurrence.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner and taking into account the materials available on record as also considering the fact that the petitioner is not named in the FIR, there is no eye-witness to the alleged occurrence and moreover, nobody has named the petitioner to be the person, who had set the truck in question on fire, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 189 of 2017 (G.R. No. 818 of 2017).

(Mohit Kumar Shah, J)

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