

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48342 of 2023

Arising Out of PS. Case No.-72 Year-2020 Thana- RISIYAP District- Aurangabad

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Pawan Kumar Singh, Son of Arbind Kumar Singh @ Arvind Singh, Resident
of Village- Gurdi, P.S.- Nabinagar, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narain Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Heard Mr. Ashok Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Risiup P.S. Case No. 72 of 2020 registered for
the offences punishable under Sections 364/120(B) of the Indian
Penal Code.

3. The petitioner is allegedly said to be involved in
kidnapping of Rahul Singh, the brother of the informant.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is not named in the F.I.R.,
however, during the course of investigation it has come on
26.12.2020 that the motorcycle of the petitioner was found at
the place of occurrence, but surprisingly no action has been



taken and all of a sudden after two years and five months, i.e. on 22.05.2023, the police filed a petition before the learned court below for issuance of Warrant of Arrest against the petitioner, which necessitated the filing of the present anticipatory bail application. He next submitted that the petitioner is a Government servant and is posted as Post-master in the Post Office, Branch Gunalnar in the district of Bastar, Chhatisgarh and on the alleged date of occurrence, he was present at the place of his work. In support of the aforesaid averment, he has brought a letter, as contained in Annexure-2 to the petition. He further submits that in fact the deceased Rahul Singh was a man of criminal antecedent, carrying more than 17 criminal cases, and he has been kidnapped and killed by some other persons, with whom he had enmity, but only because of animosity the name of the petitioner has been implicated in this case. He next submits that in an identical situation co-accused Dilip Singh @ Dilip Kumar Singh, whose motorcycle was also found at the place of occurrence and the number of the motorcycle had also come in the light during the course of investigation, has already been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No. 6442 of 2022 vide order dated 30.08.2022 (Annexure-4 to the application).



He lastly submits that the petitioner undertakes that he will fully cooperate in the investigation and will remain physically present, in case the need would arise.

5. On the other hand, learned APP for the State opposes the bail application and submits that the motorcycle of the petitioner was found at the place of occurrence, which shows his complicity.

6. Regard being had to the submissions made on behalf of the parties and considering the material on record that in spite of the fact that the motorcycle, which was found at the place of occurrence, has come in the light in the year 2020 itself, the investigating officer has filed petition on 22.05.2023 for issuance of warrant of arrest against the petitioner and he was not even named in the F.I.R. and, moreover, the person, having identical allegation, has been allowed the privilege of anticipatory bail, apart from he being a public servant, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in



connection with Risiup P.S. Case No. 72 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that he will make himself present before the investigating officer, in case need would arise.

(Harish Kumar, J)

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