

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64023 of 2022

Arising Out of PS. Case No.-159 Year-2022 Thana- DAUDPUR District- Saran

PAWAN KUMAR SINGH Son of Ramesh Singh Resident of Village- Pilue,
P.S.- Daudpur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vindhayachal Singh, Sr. Advocate
		Mr. Vipin Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2023 Heard Mr. Vindhayachal Singh learned Senior Counsel
for the petitioner assisted by Mr. Vipin Kumar Singh, Advocate
and Mr. Vinod Shanker Modi, learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.06.2022 in connection with Daudpur P.S. Case No. 159 of
2022, F.I.R. dated 02.06.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

According to prosecution case, based on a written
report alleging therein that on 01.06.2022, while the informant
son was sleeping after taking dinner, in the meantime, one
person called on the mobile of the informant and asked for his



son, thereupon, the informant went to see his son and found that he was not present on his cot. In the next morning, at about 05:00 AM, she learned that her son was shot dead and the dead body is lying at Pilue, Pokhara. It is asserted by the informant that some unknown persons out of enmity killed her son.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of self confessional statement of the petitioner and except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Abhishek Mishra has been granted bail by a co-ordinate Bench of this Court vide order dated 15.02.2023 passed in Cr. Misc. No. 52417 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 21.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other



than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Daudpur P.S. Case No. 159 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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