

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3378 of 2019

Arising Out of PS. Case No.-513 Year-2018 Thana- GARKHA District- Saran

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Dipak Kumar @ Dipak Kumar Singh aged about 25 years Male s/o Krishna
Prasad Singh @ Krishna Singh, r/o Vill- Pachlakh (Kharidahan), P.S- Parsa,
Distt- Saran.

... .. Petitioner/s

Versus

The state of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa
For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 13-03-2019 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case
registered for the offence punishable under Sections 386/34 of
the Indian Penal Code.

The prosecution case as per the written report of
Amarnath Kumar Ray submitted to the Station House Officer of
Garkha Police Station is to the effect that on 24.11.2018 the
informant was taking his truck loaded with sand then he was
intercepted by the miscreants who were travelling on a silver



colour car, they made their car stop in front of the truck of informant and demanded Rs.50,000/- as extortion and when the informant refused to give such amount, they took away Rs.15,000/- and a mobile phone from the pocket of the informant and an ATM card, a driving licence, a mobile and Rs.20,000/- from the driver of the truck, Mahendra Paswan.

It is submitted by learned counsel for the petitioners that, in fact, there was a hot exchange between the petitioners and the driver of the truck on the way while they returning from Sonapur fair and this is the reason, accusation has been levelled and maliciously the petitioners have been identified by the witnesses, Mahendra Paswan and Santosh Rai. Though, the seizure has been made but from the seizure list it appears that the seizure list has neither been signed by the petitioner nor does the seizure list include the robbed articles i.e., cash, ATM card, driving licence and mobile phone. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. Similarly, situated co-accused persons have been granted bail by a co-ordinate bench of this Court vide orders dated 30.01.2019 in Criminal Miscellaneous No. 5064 of 2019 and 31.01.2019 in Criminal Miscellaneous No. 5310 of 2019. Petitioner has got no criminal antecedent and is in



custody since 26.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Garkha P.S. Case No. 513 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

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

(S. Kumar, J)

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