

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16384 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- SURYAPUR District- Rohtas

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DINESH KUMAR CHOUBEY @ PANDEY S/O KASHI NATH PANDEY
R/O VILLAGE MILKI MUSWAT, P.S-NATWAR, DISTRICT-ROHTAS.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Adv

For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-09-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Surajpura P.S. Case No. 122 of 2020 registered under Section 392 of the Indian Penal Code, later on charge sheet has been submitted under Section 392/411 of the Indian Penal Code.



Three unknown persons, on a white *Apache* motorcycle, on gun-point, have looted the informant and his belongings including *Redmi* mobile phone and tab of *Samsung* company etc.

The counsel for the petitioner submits that FIR is against unknown persons. Petitioner's implication is on alleged report by spy. There is no allegation that perpetrators have concealed their identity, however petitioner has not been put on T.I. Parade. The *Samsung* mobile phone recovered from the petitioner cannot connect him with the occurrence as in the alleged loot five mobile phones of *Redmi* company were looted. Since the petitioner has a white *Apache* motor-cycle his implication is on mistaken identity. Having no criminal antecedent petitioner is in custody since 22.8.2020. Similarly situated co-accused Chhotu Choubey has been allowed bail in Cr. Misc. No. 16177/2021.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing



bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, First Class, Bikramganj, District- Rohtas in Surajpura P.S. Case No. 122 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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