

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23185 of 2021**

Arising Out of PS. Case No.-82 Year-2020 Thana- SIKARHATTA District- Bhojpur

Chandan Kumar @ Dipak Kumar, S/o Akshaylal Paswan R/o village
Majhiaon, P.S.- Piro, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 26-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in Sikhatta P.S. Case No.82
of 2020, registered for the offence punishable under Section 395
of the Indian Penal Code.

The prosecution case, in brief, is that the informant
proceeded from Patanjali shop situated at Middle School, Piro to
Mopti Khutha market for taking order and collection. The
informant along with one Pritam Kumar Tiwary were returning
to Piro. When they reached near Banas bridge, three persons
came on a motorcycle and stopped the informant. Three other
persons also came there on Apache motorcycle and started
assaulting the informant with fists and slaps. It is also alleged
that one person riding on Apache motorcycle snatched his bag



containing Rs.40,000/- and thereafter they fled away.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. It is also submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that no incriminating article has been recovered from conscious possession of the petitioner. Similarly situated other co-accused persons have been granted bail by different co-ordinate Benches of this Court vide order dated 25.08.2021, passed in Cr. Misc. No.41369 of 2021 and order dated 17.08.2021, passed in Cr. Misc. No.13066 of 2021. The petitioner is in custody since 31.12.2020 and he has got no criminal antecedent as stated in paragraph 3 of the bail petition. It is lastly submitted that Apache motorcycle belongs to the petitioner.

Learned counsel for the State opposed the prayer for bail of the petitioner and submits that the police has recovered one Apache motorcycle from the conscious possession of the petitioner which was used in commission of the offence.

Having considered the fact that similarly situated other co-accused persons have been granted bail by different co-ordinate Benches of this Court, let petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees



twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Sikhatta P.S. Case No.82 of 2020, subject to the 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. He 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 and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bonds shall be liable to the cancelled.

(iii) That the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of the trial, failing which the prosecution will be at liberty to move for cancellation of his bail bond.

(iv) That the bailors shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.



(v) The learned court below is directed to verify the criminal antecedent of the petitioner before accepting the bail bonds.

(Anjani Kumar Sharan, J.)

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