

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25487 of 2021**

Arising Out of PS. Case No.-3 Year-2020 Thana- DHAKA District- East Champaran

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KESHAV KUMAR @ KESHAV KUMAR SINGH SON OF LATE
KANHAIYA SINGH R/O VILLAGE- SINGARAHIIYA, P.S.-
GHORASAHAN, DISTRICT- EAST CHAMPARAN.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Chandrasen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Chandrasen Prasad Singh, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Dhaka (pachpakari) P.S. Case No. 3 of

2020 registered for the offences punishable under Section 392 of

the Indian Penal Code. He is in custody since 28.8.2020. The

petitioner has four criminal antecedents as stated in Paragraph-3

out of which he is on bail in one of the cases whereas his prayer

for bail in other three cases including the present one is pending

before this Court.

Learned counsel for the petitioner submits that as per the allegations three unknown criminals came on the shop of the informant and took away Rs. 50,000/- from the counter of the shop, the miscreants also took away the mobile phone and telephone diary.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on the basis of the confessional statement of co-accused Satyam Chaudhary @ Serjan Petitioner is in custody for over one year but till date no test identification parade has been conducted and it is specifically stated that no incriminating article has been recovered from possession of the petitioner.

Learned counsel for the petitioner submits that co-accused Satyam Chaudhary @ Serjan as also several other co-accused similarly situated have been granted bail by learned coordinate Benches of this Court in Cr. Misc. No. 5069 of 2021, 17603 of 2021, 17797 of 2021 and 8848 of 2021.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering that till date there is neither any identification of the petitioner nor any recovery has been made from him, he has remained in custody in connection with the present case for over one year and

investigation against him is complete, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dhaka in connection with Dhaka (pachpakari) P.S. Case No. 3 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.