

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1284 of 2021

Arising Out of PS. Case No.-369 Year-2020 Thana- KUDHNI District- Muzaffarpur

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Dibyanshu Kumar @ Devanshu Kumar, Son of Asheswar Sahni, Resident of
Village - Charkoria, P.S.- Kurhani (O. P. Turki), District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-03-2021 Though, learned counsel for the petitioner is not, Mr.

Akhileshwar Dayal, learned APP for the State is present.

This Court has perused the materials available on the
record.

Petitioner in the present case is seeking regular bail in
connection with Kurhani P.S. Case No.369/2020 registered for
the offences punishable under Sections 413, 414, 467, 468, 419
and 420/34 of the Indian Penal Code and Sections 25(1-b)a, 26
and 35 of the Arms Act.

It appears on perusal of the records that the name of
the petitioner has transpired as one of the persons who had
allegedly given the robbed motorcycle to the co-accused
Maksudan Sahni. It is further evident from the F.I.R. that on the
basis of the statement of the co-accused Maksudan Sahni



recovery of some stolen motorcycle and one fire-arm has been made from the house of petitioner and other co-accused. So far as this petitioner is concerned, from the seizure list it appears that one motorcycle has been recovered from the house of petitioner.

The petitioner is said to be in jail in connection with the present case since 22.06.2020 and prior to the present case, as stated in paragraph '3' of the application he had no criminal antecedent, in the circumstances, considering that the investigation against the petitioner is complete and further incarceration of the petitioner is not likely to come in aid of investigation/prosecution, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, West, Muzaffarpur in connection with Kurhani P.S. Case No.369/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of



the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(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'.

