

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7901 of 2021**

Arising Out of PS. Case No.-29 Year-2020 Thana- MADHEPURA District- Madhepura

DILIP KUMAR Son of Dinesh Yadav Resident of Village - Gadhia Balam,
P.S.- and Dist.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 05-08-2021 Instead of Gamharia Police Station (for brevity, *PS*)

Case No 29 of 2020, learned counsel for the petitioner submits that the same be read, in prayer portion, as Madhepura PS Case No 29 of 2020.

Court's attention is drawn to the correct case number mentioned in paragraph 1 of the bail application wherein the same has been mentioned as Madhepura PS Case No 29 of 2020.

In view of such submission, the PS case number, in the prayer portion, stands modified and may be read as Madhepura PS Case No 29 of 2020.

This case has been taken up for consideration today through Video Conferencing.



Heard learned counsel for the petitioner and the learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Madhepura PS Case No 29 of 2020 instituted for the offence punishable under Sections 341, 323, 307, 379/34 of Indian Penal Code and Section 27 of Arms Act.

Co-accused Nitish Kumar, as per First Information Report, has fired upon the informant. He, along with the petitioner and two others, was attempting to loot Rs 50,000/- which the informant was carrying in a bag.

Learned counsel for the petitioner submits that, having no criminal antecedents, the petitioner is in custody since 20.07.2020. Allegation of firing is against co-accused Nitish Kumar. No incriminating material has been recovered from the petitioner's possession. His implication is based on extraneous considerations.

Learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate,



Madhepura in connection with Madhepura PS Case No 29 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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