

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4877 of 2022

Arising Out of PS. Case No.-9 Year-2021 Thana- DINARA District- Rohtas

Upendra Kumar Rajbhar S/o - Ram Avatar Rajbhar Resident of Village - Mahadah, P.S.- Buxar (M), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-06-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Dinara (Bhanas O.P.) P.S. Case No. 09 of 2021 instituted for the offences under Sections 395 and 412 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 26.02.2021, charge-sheet has been submitted in the case and has antecedent of two cases.

Learned counsel for the petitioner submits that while informant was returning to house from Dinara Bazar in the meantime four persons came upon a motorcycle and restrained the way of informant. Thereafter, they assaulted the petitioner and on the point of pistol, his mobile set, Rs. 4600/- cash, Driving License, A.T.M. Card and motorcycle were snatched from the possession of the informant and the miscreants fled



away.

Learned counsel for the petitioner further submits that petitioner is not named in the F.I.R., which has been lodged against four unknown persons. During the course of investigation, the name of the petitioner transpired on the confessional statement of the co-accused. It is further submitted that no incriminating articles as well as stolen articles have been recovered from the possession of the petitioner. Till date, no Test Identification Parade (T.I.P) has been held in this case.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 26.02.2021, charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M, Bikramganj, Rohtas in connection with Dinara (Bhanas O.P.) P.S. Case No. 09 of 2021, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason,



his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Gaurav Kumar/-

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