

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15527 of 2022

Arising Out of PS. Case No.-362 Year-2021 Thana- MADANPUR District- Aurangabad

RAJU KUMAR, S/o Dharmendra Singh Resident of Village - Janpur, P.S.-
Barun, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Madanpur P.S. Case No. 362 of 2021, registered for the

offences punishable under Sections 395 and 397 of the

I.P.C.

The prosecution story in brief is that the informant,

who is owner of the truck, bearing Registration No. NL01AD-

1956, has alleged that the petitioner and his associates had

assaulted his driver and *khalasi* and also looted his truck, in

which *Sariya* (steel) was loaded.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. The FIR has been lodged on account of alleged *dacoity* and three persons have been named as accused in the F.I.R. He further submits that the petitioner is not named in the F.I.R. and his name has emerged only from confessional statement of one co-accused, Sanjay Kumar. The police has arrested the petitioner during the course of investigation only on the basis of suspicion. No recovery has been made from the conscious possession of the petitioner. He further submits that no Test Identification Parade has been conducted till date.

The petitioner is languishing in jail since 25.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner had moved before this Court for grant of anticipatory bail *vide* Cr. Misc. No. 3389 of 2020, which was rejected on 23.09.2020.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in one more case, namely, Sasaram (Muffasil) P.S. Case No.



26 of 2021.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad, in connection with Madanpur P.S. Case No. 362 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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