

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17722 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- KONCH District- Gaya

=====

DILIP DAS Son of Bundel Ram @ Bundel Das Resident of Village-
Manjhiyawan, P.S.- Paraiya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Sinha

For the Opposite Party/s : Mr.Ashok Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Konch
P.S. Case No. 157/2021 registered for the offences punishable
under Sections 385, 386, 387, 504, 506/34 of the Indian Penal
Code and Section 27 of the Arms Act.

As per prosecution case, the informant was allotted
work from the Road Construction Department under Tekari
Division, Gaya, but the construction work has been stopped by
six miscreants by making firing in air. It is further alleged that
miscreants snatched Rs.25,000/- from Munshi and mobiles were
snatched from the driver and khalashi of JCB.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that FIR is against unknown persons and no incriminating articles has been recovered from the conscious possession of the petitioner. There is no T.I. Parade was constructed till date. The petitioner is languishing in custody since 23.08.2021 and bears criminal antecedent of two cases, one case is of similar nature. He further submits that the name of petitioner has been sprang up during course of investigation on the basis of confessional statement of co-accused, Birendra Prasad as disclosed the name of present petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Birendra Prasad has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 360/2022 and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the



material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya, in connection with Konch P.S. Case No. 157/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

