

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17728 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- CHANDI District- Bhojpur

=====

Dhiraj Kumar @ Golu Kumar @ Golu S/O Mukesh Kumar @ Mukesh
Kumar Singh R/O Village- Ramdihal Tola, P.S.- Chandi, District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-07-2022 The case is heard through video conferencing.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Chandi P.S. Case No. 162 of 2021 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per allegation the petitioner's motorcycle and his mobile phone were looted by 3 unknown persons and during the course of investigation the involvement of the present petitioner in the alleged crime was revealed by co-accused Hema Kumar.

The main submissions advanced by learned counsel for the petitioner are that in the present case one co-accused Pappu Kumar @ Pappu Yadav has been granted bail by this Court vide



order passed in Criminal Miscellaneous No. 16938 of 2022 and allegation made against the petitioner is also in similar nature and he has been languishing in jail since 14.02.2022 and after his arrest any recovery of looted articles has not been made from his possession and he was not put to test identification parade and the name of this petitioner surfaced in the statement of co-accused Hema Kumar.

Learned APP for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. Having considered the above submissions and mainly the facts that the investigation with regard to the present petitioner has been completed and the looted motorcycle is stated to have been recovered from the possession of co-accused Hema Kumar as reflects from the order of learned Court below and prosecution is mainly relying upon statement of co-accused Hema Kumar recorded before the police in respect of the involvement of the present petitioner in the alleged crime as submitted, in my view petitioner is also entitled to the same privilege which has been granted to co-accused Pappu Kumar vide order passed in above mentioned criminal miscellaneous, accordingly let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Chandi P.S.



Case No. 162 of 2021, on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than three cases mentioned in his petition of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

sangam/-

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

