

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21823 of 2022

Arising Out of PS. Case No.-403 Year-2020 Thana- BUXAR District- Buxar

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BINAY DWIVEDI @ VINAY KUMAR DWIVEDI Son of Pawan Dwivedi
Resident of Village - Chamraiya (Chamarauha), P.s.- Manikpur, Distt.-
Chitrakoot (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-08-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

The petitioner has preferred this application for grant of regular bail in a case registered u/s 393 of the Indian Penal Code.

As per the prosecution case, five named accused persons including the petitioner attempted to commit dacoity in a jewellery shop on the gun point. It is stated that the petitioner and three others managed to flee away but one co-accused was apprehended who disclosed the name of the petitioner and



others.

Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated in this case. Learned counsel for the petitioner has further submitted that the petitioner was not caught at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. No T.I. Parade has been held by the prosecution. The petitioner is also accused in seven other criminal cases in Uttar Pradesh as stated at para 3 of the bail petition. Learned counsel for the petitioner has further submitted that the co-accused person Dharmendra Sonar has already been granted bail by a Coordinate Bench of this Court vide order dated 26.02.2021 passed in Cr. Misc. No. 911 of 2021. The petitioner is in custody since 02.02.2022.

Learned A.P.P. for the State has opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (T) P.S. Case No. 403 of 2020, with following



conditions :-

1. One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

2. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled by the concerned Court.

The application stands allowed.

(Chandra Prakash Singh, J)

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