

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23914 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- DARAUNDA District- Siwan

Panchan Nat Son of Tuiya Nat Resident of Village - Dayalpur, P.S.- Janta
Bazar, Distt.- Chapra (Saran)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh, Advocate.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 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 from today.

Heard Mr. Aditya Narayan Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Daraunda P. S. Case No. 28 of 2022 registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 29.09.2022 three miscreants entered into the jewellery shop of the informant and looted Jewellery and one mobile phone, when



the persons in market protested the same they threw bomb and made firing due to which Umesh Yadav and Rajnish Thakur got injured. Thereafter, all the miscreants fled away on two motorcycles.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown persons, however during the course of investigation, it has come that on the help of dog squad some anklets have been recovered from the orchard near the house of the in-laws of the petitioner and on the basis of aforesaid recovery, the petitioner has been arrested only on suspicion. It is further submitted that in fact, no incriminating material has been recovered from the person or possession of this petitioner, apart from that neither the petitioner nor the alleged recovered anklets have been put on Test Identification Parade. It is next submitted that the petitioner is a man of fair antecedent and he is in custody since 02.02.2022, moreover, the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from an orchard, which is adjacent to the house of the father of the petitioner.



Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from an orchard and not from the person or possession of this petitioner, apart from the fact, neither the petitioner nor the recovered article has been put on T.I.P. and this petitioner is a man of fair antecedent and is in custody since 02.02.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial magistrate, 1st Class Siwan in connection with Daraunda P. S. Case No. 28 of 2022 giving rise to B.P. No. 237 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will
liable to be cancelled.

(Harish Kumar, J)

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