

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26998 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- CHAKIA District- East Champaran

Uday Dhamin, Son Of Baliya Dhamin, Resident Of Village- Kasba Ward No 03, P.S- Kasba, Dist- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and the learned APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with Chakia P.S. Case No.37/2022 instituted under Sections 401, 414/34 of the Indian Penal Code.

As per the FIR, the police intercepted an Auto and upon search behind the seat, a bag was recovered from which gold ornaments, some cash as also a mobile phone were recovered/seized. Further in view of the fact that those sitting in the Auto failed to provide any document relating to it, they were in the Auto were subsequently arrested.

Learned counsel for the petitioner submits that neither



the Auto belongs to him nor he was the driver of the said vehicle. He had merely boarded the said Auto as a passenger and anything that has been recovered from the back of the Auto cannot be attributed to him in the background of the fact that he has no criminal antecedent and for the alleged implication in this case is in custody since 28.01.2022 (as stated in para-10 of the bail application).

In view of the aforesaid facts submitted by the learned counsel for the petitioner as also the fact that he has no criminal antecedent and he is in custody since 28.01.2022, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chakia P.S. Case No.37/2022 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his/her presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his/her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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