

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28109 of 2022

Arising Out of PS. Case No.-332 Year-2020 Thana- KOILWAR District- Bhojpur

=====

DIN DAYAL NAT Son of Late Khalil Nat Resident of village - Bagahi, P.S.-
Bihiya, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is in judicial custody in connection

with Koilwar P.S. Case No. 332 of 2020 for the offences under

Sections 395 of the Indian Penal Code.

The FIR is against unknown and the allegation against

the accused persons are that they looted the passerby for two

long hours and in the process snatched their motorcycles, cash,

mobile and all other materials.

In this case, case diary was called for on 24.05.2022



which has since been received and perused by the learned APP for the State.

Learned counsel for the petitioner submits that although the petitioner is in custody since 21.12.2021 (as stated in paragraph-11 of the bail application), no T.I.Parade has been done. He further submits that there has not been any recovery from the conscious possession of the petitioner or from the house. He lastly submits that one of the co-accused on whose confessional statement his name has cropped up (Guddu Kumar Yadav @ Guddu Kumar) has since been released on bail vide order dated 23.03.2022 passed in Cr. Misc. No. 46915 of 2021. It is further submitted that one another co-accused namely, Nat has since been enlarged on bail vide order dated 30.08.2022 passed in Cr. Misc. No. 70207.

Let the same be kept on record.

Taking into account the aforesaid fact that the petitioner is in custody since 15.09.2021, no T.I. Parade has been done nor there has been any recovery from his conscious possession and similarly situated co-accused has since been released on bail, this Court is inclined to grant him the privilege of bail.

If however, it is found that a false statement has been



incorporated in the bail application with regard to recovery/seizure, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S. Case No. 332 of 2020, subject to the 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 his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every month till the conclusion of the trial to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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

