

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32195 of 2022**

Arising Out of PS. Case No.-88 Year-2022 Thana- AMNAUR District- Saran

Dileep Bhagat, Son of Late Kamla Bhagat Resident of Village - Jalalpur, P.S.  
- Bheldi, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Kumari Anupam, Advocate.

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

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      06-09-2022                      Smt. Kumari Anupam, learned counsel informs  
  
this Court that she has been authorized by her senior Mr.  
  
Madhav Raj, learned counsel to argue the present bail  
  
application.

Heard Smt. Kumari Anupam, learned counsel  
appearing on behalf of the petitioner and Mr. Ajit Kumar,  
learned A.P.P. for the State.

Let the defect(s), if any, be removed within two  
weeks of the complete start of the physical Court in normal  
course.

The petitioner seeks regular bail in connection with  
Amnaur P.S. Case No. 88 of 2022 for the offence punishable  
under Section 394 of the Indian Penal Code and Section 27 of  
the Arms Act.



As per the allegation made in the F.I.R., three miscreants on the point of gun threatened to kill the brother of the informant and looted Rs. 40,000/- from his shop and when the brother of the informant resisted them, the accused wearing yellow t-shirt fired upon him and the brother of the informant sustained injury in his thigh. Thereafter, he was treated at hospital.

Smt. Kumari Anupam, learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the F.I.R. He has clean antecedent. His name has surfaced in the present case on the basis of confessional statement made by one co-accused Mukund Kumar Tiwary with whom he has no concern. There is no eye witness to the alleged incidence. Till date petitioner has not been put on T.I. parade. Charge sheet has already been submitted. It is submitted by learned counsel that specific statement has been made in Para-10 of the bail application that the police had raided the house of the petitioner on the basis of confessional statement of said co-accused and has shown recovery of Rs. 3410/- from the room of the petitioner and Rs. 412/- from a motorcycle and the money so recovered are hard earned money of the petitioner and same was not looted after committing the crime. Petitioner is in custody



since 23.04.2022. On these grounds, petitioner seeks to be released on bail.

Mr. Ajit Kumar, learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He has submitted that the complicity of the petitioner cannot be ruled out in commission of the crime. On the basis of the confessional statement of the co-accused Mukund Kumar Tiwary, Rs. 3410/- has been recovered from the room of the petitioner and Rs.412/- was recovered from a motorcycle.

Considering the rival submissions of the parties and taking into account the fact that the petitioner is not named in the F.I.R., his name has surfaced in course of investigation on the basis of confessional statement of co-accused Mukund Kumar Tiwary, petitioner has made specific statement that the amount recovered from his house are his own earned money and he has no connection with the said co-accused Mukund Kumar Tiwary, petitioner has not been put on T.I.P. till date and charge sheet has already been submitted, petitioner has clean antecedent and the trial is also not likely to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the



satisfaction of the learned ACJM-IX, Saran at Chapra in connection with Amnaur P.S. Case No. 88 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

**(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.**

**(Purnendu Singh, J)**

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