

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35293 of 2022

Arising Out of PS. Case No.-413 Year-2021 Thana- NOORSARAI District- Nalanda

Dharmpal Chauhan S/o Lakhpati Chauhan @ Lakhpati Pradad R/o Village -
Govindpur Beldari, P.S.- Noor Sarai, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Sah, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Mr. Gautam Sah, learned counsel for the petitioner and Mr. Sanjay Kumar Singh, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Noor Sarai P.S. Case No. 413 of 2021, for the offences punishable under Sections 392 of the Indian Penal Code.

The prosecution case is based on a written report filed by the informant alleging therein that on 07.12.2021 at about 09:00 pm, while he was returning from Bihar Sharif, in the meantime two persons standing on the bridge, stopped his motorcycle and assaulted him and looted his mobile and cash



along with Golden chain.

It is submitted by the learned counsel appearing on behalf of the petitioner that the FIR has been instituted against two unknown persons, however, the name of the petitioner has surfaced on the basis of call details report and thereafter, he was apprehended by the police and looted mobile phone is said to have been recovered from his possession. He further submitted that though it is alleged that the looted mobile has been recovered from his possession but neither the petitioner nor the alleged looted mobile has been put up on test identification parade, though the petitioner is in custody since 19.02.2022. The petitioner having fair antecedent, is in custody for more than seven months, though the investigation of the crime has already been completed and the charge-sheet has been submitted.

On the other hand learned APP for the State opposed the bail application and submitted that the looted articles have been recovered from the possession of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact neither the petitioner nor the alleged looted mobile have been put on test identification parade and the petitioner having fair antecedent, is in custody since 19.02.2022, let the petitioner, named above, 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 Additional Chief Judicial Magistrate-VII, Nalanda, Bihar Sharif, in connection with Noor Sarai No. 413 of 2021, subject to the condition that one of the bailors will be the close relatives 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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