

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45706 of 2021

Arising Out of PS. Case No.-199 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

DIVYANSHU KUMAR Son of Ashok Singh Resident of Village - Pachara,
P.S. - Kudra, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 30.05.2021, seeks
regular bail in connection with Mohania P.S. Case No. 199 of
2021 registered for offences punishable under Sections 399,
402, 414/34 of the Indian Penal Code and Section 25(1-
B)a/26/35 of the Arms Act.

Prosecution story in brief is that one co-accused
namely, Abhishek Tiwari has confessed that he is the Mukhia of
the criminal gang which is involved in road robbery. The present
petitioner namely, Divayanshu Kumar along with Rohit Kumar,
Aman Kumar Singh, Abhishek Tiwari and Manish Kumar @



Dansar were arrested by the police officials near Paspipara canal bridge while they were preparing to commit robbery.

Learned counsel appearing on behalf of the petitioner submits that no incriminating article has been recovered from the possession of the petitioner. Only one mobile phone belonging to the petitioner has been recovered as would appear from the seizure list. Arms and ammunition has been recovered from the possession of co-accused persons. Petitioner has two cases pending against him in which he has been remanded after the present case. Petitioner is in custody since 30.05.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made in the F.I.R. as well as period of custody of the petitioner, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 199 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

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

(iii) 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.

(iv) 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 bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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