

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37935 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- NAVINAGAR District- Aurangabad

Dhiraj Kumar Son Of Dinesh Paswan R/O Village- Futharwa, P.S.-
Nabinagar, District- Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-09-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Nabinagar P.S. Case No. 161 of 2022 lodged under Sections
25(1-b)a/26 of the I.P.C.

As per the prosecution case, allegation made in the
F.I.R. the allegation of robbery is there against named accused
persons. Learned counsel for the petitioner submits that
petitioner is not apprehended from the place of occurrence. The
person who was apprehended from the place of occurrence has
disclosed the name of the petitioner. He further submits that
nothing was recovered from the petitioner's possession and his

name has figured in this case only and only by the confessional statement of the co-accused. Petitioner's antecedent is clean and he is in custody since 26.05.2022.

Learned counsel for the petitioner submits that the accused who was apprehended by the police as in the said case has been granted bail by the Co-ordinate Bench of this Court in Cr. Misc. 36748 of 2022 order dated 16.09.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned I/C A.C.J.M.-I, Aurangabad (Bihar) in connection with Nabinagar P.S. Case No. 161 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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