

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50868 of 2021

Arising Out of PS. Case No.-421 Year-2020 Thana- CHANDI District- Nalanda

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Dhiraj Kumar @ Rocky, S/o Late Mithalesh Singh, village- Mahathwar, P.S.-
Harnaut, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Kumari Sujata Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 11-05-2022 Learned counsel for the petitioner is permitted to
make necessary correction in the prayer portion of this petition.

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 learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Chandi P.S. Case No. 421 of 2020 for the
offences punishable under Section 392 of the Indian Penal
Code.

As per prosecution case, it is alleged that on
10.09.2020 while the informant and his brother-in-law's son
were going to Harnaut, then in the meantime three unknown



miscreants riding on a white colour Apache motorcycle overtook his motorcycle and on the point of gun looted away motorcycle, mobile and other valuables.

It is submitted on behalf of the learned counsel for the petitioner that the F.I.R. has been instituted against unknown persons and the name of the petitioner has transpired on his self-confession, which has come in para 33 of the case diary. It is further submitted that the petitioner was arrested in connection with Harnaut P.S. Case No. 464 of 2020 and thereafter he has been remanded in three other cases. It is also submitted that the petitioner is in custody since 22.06.2021, but till date neither the petitioner has been put on T.I.P. nor any incriminating material has been recovered from the person or possession of this petitioner.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application and submits that the petitioner has confessed his guilt and he has also been found involved in three other criminal cases.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that the petitioner has not named in the F.I.R. and his name transpired on his self confession and though he is in custody since



22.06.2021, but he has not been put on Test Identification Parade and moreover no incriminating material has been recovered from the person or possession of this petitioner, 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 Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Chandi P.S. Case No. 421 of 2020, 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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