

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43711 of 2022

Arising Out of PS. Case No.-940 Year-2021 Thana- NAGAR District- Vaishali

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Dhananjay Kumar @ Vicky Kumar @ Vikky Kumar Son of Ramajinis Ram
Resident of village- Shrirampur, PS- Hajipur Sadar, Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-12-2022 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 through virtual mode.

The petitioner seeks regular bail in connection with
Hajipur Town P.S. Case No. 940 of 2021 lodged under Sections
395 of the I.P.C.

As per the prosecution case, the allegation of *dacoity*
is there in the F.I.R. against unknown persons. The informant
has categorically disclosed about the *dacoity* and named the
different articles separately in the F.I.R., which were looted.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. He submits that it is
nowhere mentioned in the F.I.R. that how many total persons

visited to commit the said crime. Learned counsel for the petitioner submits that description of total articles, which were subject to *dacoity*, was not submitted in the consolidated way. He further submits that petitioner is in custody since 10.01.2022, having 2 criminal cases pending against him and he is persuading for bail in both the cases. Learned counsel for the petitioner submits that name of petitioner has been figured in this case by virtue of confessional statement of the co-accused and recovery of Rs. 50,000 /- and 1 D.V.R. are alleged to be made from the house of the petitioner. He submits that the other co-accused namely Mukesh Kumar, whose name has come by the confessional statement, has been granted bail by the Co-ordinate Bench of this Court.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the Informant vehemently opposes the prayer for bail and submits that accused Mukesh Kumar, to whom bail has been granted, Informant has preferred a petition for cancellation of his bail before this Court. He further submits that petitioner has made separation as the Test Identification Parade of the articles as well as Test Identification Parade of petitioner have taken place in this case, in which the

petitioner as well as the articles looted have been identified by the Informant.

In the present facts and circumstances of this case and the submissions made above, that in Test Identification Parade articles and petitioner have been identified, I am not inclined to grant bail to the petitioner. Therefore, his bail application is hereby **rejected**.

(Dr. Anshuman, J.)

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