

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59286 of 2021

Arising Out of PS. Case No.-167 Year-2020 Thana- LAURIA District- West Champaran

Darhi Mian @ Yogi Mian @ Jogi Mian Son of Late Rozdin Mian Resident of
Village- Babu Parsauni, P.S.- Chatarwa, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application has been filed for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Lauriya P. S. Case No. 167 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the informant along with his friend was going from the bank after withdrawing Rs. 98,000/-, four miscreants intercepted them and on the point of arms, they looted away cash of Rs.



98,000/-.

It is submitted by the learned counsel for the petitioner that the petitioner is not named in the F.I.R. and his name has transpired in the confessional statement of co-accused and the petitioner has surrendered in the Court below on 01.07.2021 himself but till date he has neither been put on T.I.P. nor any incriminating material has been recovered from the possession of this petitioner. It is further submitted that the investigation has been completed and the charge-sheet has already been submitted in the present case. It is lastly submitted that even during the course of investigation, no other material has come which suggest the complicity of this petitioner in the present case, except the confessional statement of the co-accused, Rajan Singh on whose disclosure, the name of the petitioner transpired.

On the other hand, learned APP for the State opposes the bail application of this petitioner and drawn the attention of this Court towards the antecedent of the petitioner as mentioned in Paragraph No. 3 of the petition, in response, learned counsel for the petitioner submits that this petitioner is ready to give undertaking that he will co-operate in the trial and will remain present on each and every date.



Having heard the submissions made on behalf of the parties and taking into consideration this fact that the F.I.R. has been instituted against unknown person and this petitioner is in custody since 01.07.2021 but till date he has not been put on T.I.P. nor any incriminating material has been recovered from the possession of this petitioner and is ready to give undertaking before this Court. Let the petitioner, above named, 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-1, Bettiah, West Champaran in connection with Lauriya P. S. Case No. 167 of 2020, subject to the condition that one of the bailors will be the close relative 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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