

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44320 of 2022**

Arising Out of PS. Case No.-91 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Dilip Budhiya, Son of Ashok Budhiya @ Ashok Kumar Budhiya, R/O
Marwadi Tola Lane, Jain Mandir, P.S.- Kotwali, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj, Advocate
For the Opposite Party/s : Mrs.Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kotwali P.S. Case No. 91 of 2022
corresponding to G.R. No. 381 of 2022 registered for the
alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, three miscreants on a
motorcycle snatched a bag containing Rs. 3,50,000/- which the
informant was taking to deposit it in the bank on behalf of his
employer. The name of the petitioner transpired during
investigation as one of the miscreants.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from the possession of the petitioner. The name of the petitioner came up during investigation on the basis of confessional statement of co-accused Santosh Kumar Yadav and except for this confessional statement nothing has come on record against this petitioner. The petitioner has been assigned the role of liner in this case which is quite absurd and is based on concocted set of evidence. Charge sheet has been submitted in this case and the petitioner is in custody since 06.03.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and is accused in a number of cases.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the

satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali P.S. Case No. 91 of 2022 corresponding to G.R. No. 381 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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