

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56561 of 2021

Arising Out of PS. Case No.-464 Year-2020 Thana- HARNAUT District- Nalanda

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Dhiraj Kumar @ Rocky Son Of Late Mithalesh Singh Village - Mahathwar,
P.S.- Harnaut, Distt.- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms. Kumari Sujata Sinha, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 10-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by the Stamp Reporter

within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Harnaut P.S. Case No. 464 of 2020
registered for the offences punishable under Sections 392, 411
of the Indian Penal Code. He has been remanded in this case on
19.06.2021. The petitioner has got two criminal antecedents as
stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that as per
the prosecution story, on 12.09.2020, when the informant was
returning to his house on motorcycle, three persons riding on an
Apache motorcycle stopped the informant near NH-30,



assaulted him and snatched the key of the motorcycle and fled away. It has also been alleged that the accused persons took away Rs.4,000/- and a mobile phone from the pocket of the informant.

Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the co-accused and except that there is no other material to connect the petitioner with the present case. It is submitted that there is no recovery from possession of the petitioner. It is further submitted that co-accused Ankit Kumar has already been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 8320 of 2021.

Mr. Akhileshwar Dayal, learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that there is no recovery from possession of the petitioner, till date he has not been put on test identification parade and despite the fact that he has been taken on remand in this case on 19.06.2021 till date no other incriminating material has been collected in course of investigation and could be brought to the notice of this Court and further that co-accused Ankit Kumar has been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No.



8320 of 2021, the name of the petitioner has transpired in the confessional statement of the co-accused and except that there is no other material, hence, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.J.M. Nalanda at Bihar Sharif in connection with Harnaut P.S. Case No. 464 of 2020, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

