

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61442 of 2021**

Arising Out of PS. Case No.-353 Year-2021 Thana- GRIYAK District- Nalanda

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Dheeraj Kumar S/O Ajay Prasad @ Ajay Kumar R/O Village-Gonwapur  
(GONAVA), P.S.-MANPUR, District-Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

3      13-05-2022                      Heard learned counsel for the parties through video  
conferencing in view of the COVID -19.

Let the defect(s), if any, be removed within four  
weeks.

The petitioner is in judicial custody in connection  
with Giriyak (Pawapuri) P.S. Case No. 353 of 2021 registered  
under Sections 341, 342, 363, 365, 323, 420, 504 and 506/34 of  
the Indian Penal Code and Section 66 of the Information  
Technology Act.

The allegation against him is that the police got  
information that some persons were beating one Chunnu Kumar.  
When the locals tried to stop them, it has been alleged in the  
FIR that they forced Chunnu Kumar to sit on the motorcycle  
and went towards Gonwanpur. The two persons were identified



by the villagers as the petitioner herein and Ujjwal Kumar. The police subsequently raided the house of accused where Chunnu Kumar was recovered and the petitioner herein and the accused, Ujjwal Kumar were arrested and they are in jail since 11.08.2021.

The said victim Chunnu Kumar who was also accused in some other cases has made confessional statement where he admitted that he along with accused persons of this case are in the business of collecting and selling the ATM Cards of different victim persons. He had some issue regarding the payment from the petitioner. When he demanded his due he was beaten and taken to petitioner's house from where the police recovered him.

Learned counsel for the petitioner submits that in the present case, the allegation against him is of beating and forcing the said Chunnu Kumar to sit on the motorcycle and taking him to his house from where the police recovered. Save and except this allegation, he has no criminal antecedent which has come in the case diary also. He as such submits that he may be released on bail.

Mr. Bharat Bhushan, learned APP appearing for the State has perused the case diary and has narrated the confessional statement of Chunnu Kumar, who has reiterated that



he along with the present petitioner were indulged in the business of purchasing and selling the different ATM Cards of the victim persons and there were some issue of non-payment on behalf of the petitioner which led to the present incident. He further submits that so far as criminal antecedent is concerned, it has come only with regard to Pawapuri Police Station.

Considering the facts that has emanated after the lodging of the FIR during the course of investigation by the police, which reflects from the case diary, this Court was at first instance not inclined to grant any relief to the petitioner. However, learned counsel for the petitioner submits that if he is enlarged on bail, he is ready to abide by any condition that this Court deems fit to prevent recurrence of any other criminal activity by the petitioner herein. He further submits that taking into account the statement made by the learned APP that only criminal antecedent of the Pawapuri police station has come in the case diary, it is submitted that if it is found that he do have criminal cases against him in any other police station, the bail granted to him in this case that shall become infructuous.

Taking into account the aforesaid facts as also that the charge sheet has been submitted, the petitioner do not have any



criminal antecedent and is in jail since 11.08.2021; and is ready to abide by the conditions imposed, this court considers granting him bail. If however, it is found that he do have criminal antecedent (contrary to what has been stated in paragraph-3 of the bail application), the bail order shall become infructuous.

Let the petitioner 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 ACJM-1st, Biharsharif, Nalanda in connection with Giriyak (Pawapuri) P.S. Case No. 353 of 2021, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner who shall provide the document issued by the Government of India to show his relationship with him. The second bailor will be the permanent government employee, either State or the Central, who shall also provide the document showing his job in the government;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight till the completion of trial to mark his



presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

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