

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64275 of 2021

Arising Out of PS. Case No.-824 Year-2020 Thana- SONEPUR District- Saran

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Dasharath Kumar @ Dasharath Rai @ Akash Son Of Dwarika Rai Resident
Of Village - Pravejabad Badurahi, P.S.- Sonpur, District - Saran At Chapra.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-05-2022 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 Sonpur P.S. Case No. 824 of 2020 registered for the offences punishable under Sections 413, 401, 414/34 of the Indian Penal Code. He is in custody since 24.06.2021 and has got 5 criminal antecedents as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that in this case, the apprehended accused is said to have disclosed the name of the petitioner as a member of the gang who was allegedly involved in theft of motorcycle and commission of robbery. From possession of the co-accused, a stolen motorcycle was allegedly recovered.

Learned counsel submits that it is a case of false



implication of the petitioner. Initially against him, his co-sharers had lodged cases on some petty issues and thereafter he is being implicated in some cases with sole intention to harass him. In this case, there is no recovery from his possession and there is no other material to connect him with any alleged occurrence. He is in custody since 24.06.2021.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. The submission is that the petitioner has got 5 criminal antecedents and he is said to be a member of the gang involved in theft of motorcycle and commission of loot.

Having regard to the submission that nothing has been recovered from the petitioner and his name has transpired allegedly in the statement of the co-accused in police custody as also that in this case the petitioner has remained in custody for over 10 months and the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Sonpur P.S. Case No. 824 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.

And further condition considering that the petitioner has got five criminal antecedents as noticed above, this Court directs that henceforth till conclusion of trial in the present case, once in every two months the petitioner shall mark his attendance before the S.H.O. of Sonpur Police Station in the District of Saran at Chapra and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the said Police Station in connection with any employment etc, then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Sonpur Police Station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

The application stands allowed.

Let a copy of this order be sent to the Superintendent of Police, Saran at Chapra for necessary instruction.

(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'.

