

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66120 of 2021

Arising Out of PS. Case No.-76 Year-2021 Thana- BALIA BELON District- Katihar

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Dharmendra Rai @ Dhamend Kumar Rai, Son of Bablu Ray, Resident of
Village - Sadapur, P.S.- Balia Belon, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Baliya Belon P.S. Case No. 76 of 2021 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, four miscreants on two motorcycles surrounded the informant and at gun point snatched Rs. 80685/-. The name of the petitioner transpired as an accused during investigation.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession, though recovery of Rs. 5000/-, a country made pistol and cartridge are stated to be made from the wooden house of the petitioner. Learned counsel further submits that no Test Identification Parade has been conducted in this case. Except for suspicion, nothing came up against this petitioner. The co-accused Md. Azam Ansari, in whose confessional statement the name of the petitioner transpired, has been granted bail by a Co-ordinate Bench of this Court vide order 09.02.2022 passed in Cr. Misc. No. 60405 of 2021. The other co-accused persons have also been granted bail by the same Co-ordinate Bench of this Court with following details:

Naimuddin Saha @ Naimuddin has been granted bail vide order dated 15.04.2022 passed in Cr. Misc. No. 63967 of 2021, Shahbaz Ansari @ Sabaz has been granted bail vide order dated 01.04.2022 passed in Cr. Misc. No. 62801 of 2021 and Md. Ali Raza @ Ali Raza and Md. Shakim have been granted bail vide order dated 01.02.2022 passed in Cr. Misc. No. 57297 of 2021.

The learned counsel further submits that the petitioner



is in custody since 18.07.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner and other co-accused persons looted the money of the informant and from the possession of this petitioner, recovery of Rs. 5000/-, pistol and cartridge have been made.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has got no criminal antecedent and further considering the period of custody of the petitioner along with submission of charge-sheet, 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 Judicial Magistrate-1st Class, Katihar in connection with Baliya Belon P. S. Case No. 76 of 2021, 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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