

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68225 of 2021**

Arising Out of PS. Case No.-287 Year-2021 Thana- CHANPATIA District- West Champaran

DHANANJAY PATEL, Son of Dasai Patel Resident of Village - Jay Mangalapur, Police
Station - Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha, Advocate
For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 20-09-2022 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 Chanpatiya P.S. Case No. 287 of 2021 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, three motorcycle borne miscreants overtook the motorcycle of the informant and at gun point snatched his bag containing Rs.17,720/-, a Tablet of Samsung, a mobile phone, purse containing Aadhar card, PAN card, driving license and they also snatched keys of the motorcycle. The name of the petitioner surfaced as an accused during investigation.

Learned counsel for the petitioner submits that petitioner



is not named in the F.I.R. and nothing incriminating has been recovered from his person or possession. The petitioner denies the recovery of Tablet either from his possession or from his house. The name of the petitioner surfaced in this case on the basis of confessional statement of co-accused. The prosecution case is that the miscreants were riding an Apache motorcycle whereas the recovery of motorcycle from the house of the petitioner is that of a Pulsar motorcycle. In fact, nothing has been recovered from the house of this petitioner but the police has falsely implicated him and taken his signature on plain paper. No Test Identification Parade has been conducted. Even if the story of recovery having been made from the house of the petitioner is taken to be true, only a case under Sections 412 and 414 of the Indian Penal Code would be made out against the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 03.06.2021. Learned counsel further submits that co-accused who named this petitioner has been granted bail by the learned court below. The petitioner has one criminal antecedent but the same has been instituted in the background of the land dispute and he is on bail in that case.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that one of the looted articles has been recovered from the house of this petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the the



period of custody of this petitioner and 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 Chief Judicial Magistrate, Bettiah, in connection with Chanpatiya P.S. Case No. 287 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 of 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)

Gautam/-

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