

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21384 of 2023

Arising Out of PS. Case No.-117 Year-2019 Thana- DEWARIA District- Muzaffarpur

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Dharmveer Prasad Gupta @ Dharmveer Gupta @ Dharamveer Kumar Son Of
Late Yogendra Prasad Resident Of Village-Dharphari Ps-Deoria Distt-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan No.II, Advocate Mr. Priyanka Kumari, Advocate
For the Opposite Party/s :		Mr. Bhuneshwar Kumar Mahto, Advocate Mr. Ajay Kumar No. 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned A.P.P
for the State.

2. The petitioner seeks bail in connection with Dewaria
P.S. Case No. 117 of 2019 dated 21.08.2019 registered for the
offence punishable under Section 395 of the Indian Penal Code.

3. The prosecution case, in short, is that six unknown
miscreants on gun point snatched the bag of the informant
containing collection amount of Rs. 7,33,423/- ash, Rs 15,000/-
from his pocket and mobile phone and other documents like
aadhar card, PAN card and driving licence.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. The petitioner has not been named in the F.I.R.. Nothing has been recovered from the conscious possession of the petitioner and no T.I.P. has been conducted till date. Only on the basis of confessional statement of Binod Sahani, the petitioner has been made accused in this case. Further, it is submitted that the said Binod Sahani has been granted bail *vide* Criminal Miscellaneous No. 22351 of 2020 by a co-ordinate Bench of this Court. It is next submitted that other co-accused, namely, Binod Rai has been granted bail *vide* Criminal Miscellaneous No. 63080 of 2021. Lastly, it has been submitted that the petitioner is in custody since 10.06.2022, having four criminal against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, (West), Muzaffarpur in connection with Dewaria P.S. Case No. 117 of 2019., subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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