

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21562 of 2023

Arising Out of PS. Case No.-76 Year-2022 Thana- DANDARI District- Begusarai

Krishna Mohan Kumar Son Of Biro Yadav Resident Of Village - Tetari, P.S. -
Dandari, Distt. - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Dandari P.S. Case No. 76 of 2022 registered on 15.08.2022 for the alleged offences under Sections 392, 394, 397 and 411 of the Indian Penal Code.

3. As per prosecution case, three miscreants armed with *lathi* stopped the informant along with his son and neighbour who were going by a motorcycle to attend some function. The informant and two others were assaulted by these three miscreants causing a number of injuries to them. They also snatched the mobile phone of the neighbour of the informant. The name of the petitioner surfaced as one of the accused in this case.



4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner has been arraigned in this case after recovery of mobile phone which is said to be a looted property which was being used by the petitioner after inserting a sim registered under the name of his mother. The petitioner is a poor person and in good faith he took this mobile phone from a co-villager and inserted the sim registered under the name of his mother. He was having no knowledge about the mobile phone being a looted property. No Test Identification Parade has been conducted to establish the identity of the petitioner. Learned counsel further submits that informant has compromised this case with the petitioner and others and he is not interested in pursuing this matter any further. The petitioner is a young man aged about 20 years and he has got no criminal antecedent. He is in custody since 21.09.2022 and charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that petitioner was caught red-handed with the looted mobile phone and all the victims of the robbery received various injuries and some of them are grievous in nature.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the clean antecedent of the petitioner and further considering his period of custody and the submission of charge-sheet against him, 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-Ist Class, Begusarai/court concerned in connection with Dandari P.S. Case No. 76 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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