

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21480 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- CHENARI District- Rohtas

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DIPAK KUMAR Son of Ashok Chaudhary Resident of Village - Amra Talab,
P.S.- Sasaram (Muffasil), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 23-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Chenari P.S. Case No. 70 of 2021 registered for the offences

punishable under Section 395 of the IPC.

As per prosecution case, five unknown miscreants

came on two motorcycles and on the point of pistol took away

the informant's mobile and Mahindra tractor loaded with sand.

Learned counsel for the petitioner submits

supplementary affidavit in which it has been stated that four co-

accused persons namely Riki Chaudhary, Vinay Paswan, Lav

Kumar and Kaushal Kumar Paswan were apprehended by the



police alongwith looted Mahindra tractor, informant's mobile and two motorcycles used in the said occurrence. He further submits that petitioner is not named in the FIR and his name has been transpired in the case during the course of investigation upon the confessional statement of apprehended co-accused. Except confessional statement, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 24.12.2021 and bears criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from the conscious possession of the petitioner. No TIP has been conducted uptill now.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, nothing has been recovered from the possession of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on



record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-II, District-Rohtas in connection with Chenari P.S. Case No. 70 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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