

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23211 of 2023

Arising Out of PS. Case No.-219 Year-2022 Thana- KISHUNPUR District- Supaul

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DILIP KUMAR SON OF BINDESHWARI YADAV Resident of Village-
Behrari, P.S.- Shankarpur, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Prasad Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

Petitioner seeks bail, who is in custody since
18.08.2022, in connection with Kishunpur P.S. Case No. 219 of
2022, F.I.R. dated 16.08.2022 registered for the offences
punishable under Section 392 of the Indian Penal Code but later
on Sections 414 of the Indian Penal Code and Sections 25(1-b)a,
26/35 of the Arms Act were added.

The F.I.R. of the occurrence of loot is against unknown.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner is not named
in the F.I.R. and the name of the petitioner has been transpired
during investigation only on the basis of confessional statement



of co-accused persons namely Kishore Kumar and Sharwan Kumar.. He further submits that nothing incriminating article has been recovered from the conscious possession or the house of the petitioner and till date no test identification parade was conducted by the prosecution with respect to the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Supaul in connection with Kishunpur P.S. Case No. 219 of 2022, 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 shall remain physically present as directed 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) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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