

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25345 of 2023

Arising Out of PS. Case No.-148 Year-2021 Thana- ISUAPUR District- Saran

Dharmendra Nat Son of Late Chaukilal Nat Resident of Village - Olhanpur,
P.S.- Marhowra (Madhaura), District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
28.05.2022 in connection with Isuapur P.S. Case No. 148 of
2021, F.I.R. dated 26.07.2021 for the offences punishable under
Section 394 of the Indian Penal Code but the police after
investigation submitted charge sheet under Section 395, 397 and
412 of the Indian Penal Code.

According to prosecution case, four persons
intercepted the informant while he was returning to his home
and relieved him from his motorcycle and a bag containing



some documents and also assaulted on his head and mount with butt of pistol and fled away.

Learned counsel for the petitioner submits that petitioner has falsely been 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 on the basis of confessional statement of the co-accused, namely, Dablu @ Sudhanshu Singh. He further submits that it appears from the F.I.R. that nothing has been recovered from the possession or the house of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Dablu Singh @ Sudhanshu Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 09.05.2023 passed in Cr. Misc. No. 5506 of 2023. The petitioner is in custody since 28.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 7 criminal antecedents other than the present one but fairly submits that the petitioner is on bail in



4 cases out of the 5 cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran, Chapra in connection with Isuapur P.S. Case No. 148 of 2021, 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 witnesses, 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 antecedent, 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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