

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30811 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- CHAKIA District- East Champaran

Dharmendra Khalifa S/o Late Ramanand Nat Resident of Village- Hussaini,
P.S.- Dumariya Ghat, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-01-2023 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State in virtual court proceedings.

Petitioner seeks bail in a case registered for the offences punishable under Sections 395, 397 of the Indian Penal Code and Section 314 of the Explosive Act.

As per prosecution case, 10-12 miscreants committed dacoity in the house of the informant and looted away cash, ornaments and other valuable items and thereafter, fled away after exploding bomb at the door of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case only on the basis of confessional statement of co-accused person namely Dharmendra Singh @ Dharmendra Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner and no test identification parade was conducted by the prosecution. He further submits that similarly situated co-accused person namely Upendra Sah has been granted bail by a Coordinate Bench of this Court vide order dated 25.11.2021 in Cr. Misc. No. 50031 of 2021 and another co-accused person namely Dharmendra Singh @ Dharmendra Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 17.08.2022 in Cr. Misc. No. 52260 of 2021 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.11.2021.

Learned APP for the State has 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 Court below where the case is pending in connection with Chakia P.S. Case No. 105 of 2021, G.R. No. 2641 of 2021, with 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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