

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31759 of 2023

Arising Out of PS. Case No.-837 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Dhiraj Kumar @ Kanhaiya Son of Sikendra Prasad Yadav @ Sikandar Prasad
Yadav Resident of village-Jolganwa, P.S.-Jitna, District-East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Heard Mr. Vijay Shankar Shrivastava, learned

counsel for the petitioner and learned Additional Public

Prosecutor for the State.

The petitioner seeks regular bail, who is in custody
in connection with Town P.S. Case No. 837 of 2022 registered
for the offences punishable under Sections 393 and 307 of the
Indian Penal Code and Section 27 of the Arms Act.

Allegedly, while the father of the informant was
returning from customer care centre of Bank of Baroda with
cash, in the meantime, three unknown miscreants riding on a
motorcycle intercepted him and tried to snatch the bag
containing cash on the point of pistol and when one Mukesh
Patel tried to catch the miscreants, they fired upon him due to



which, he sustained bullet injury.

Learned counsel for the petitioner submits that the FIR has been instituted against unknown miscreants. However, during the course of investigation, the name of the petitioner along with others has surfaced on the disclosure made by the spy of police and barring the aforementioned disclosure, there is no material suggesting the complicity of the petitioner in this case. He next submits that prior to the instant case, the petitioner was apprehended in connection with Ghorasahan P.S. Case No. 638 of 2022 registered under Section 392 of the I.P.C. and from there the petitioner has been remanded in this case on 14.02.2023 and since then he is in custody. Moreover, neither the petitioner has been put on test identification parade nor any incriminating material has been recovered from his person or possession. Furthermore, the charge-sheet has been submitted in this case.

On the other hand, learned counsel for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither been put on test identification parade nor any incriminating material has been recovered and save and except



the disclosure of the spy, which has no evidentiary value in the eyes of law, coupled with the fact that he has been remanded from another case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Town P.S. Case No. 837 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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