

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36359 of 2022**

Arising Out of PS. Case No.-7 Year-2022 Thana- DIGHA District- Patna

=====

DABLOO LOHAR S/O LATE RAM SWRUP MISTRI Resident of  
Banskothi, Gate No.- 93, P.S.- Digha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Nityanand Kumar

For the Opposite Party/s : Mr. Upendra Kumar

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

4      14-02-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
  
for the State.

The petitioner seeks bail in connection with Digha  
P.S. Case No. 07 of 2022, registered for the offences  
punishable under Sections 393, 307 and 34 of the Indian  
Penal Code and Section 27 of the Arms Act.

The prosecution case as emerging from the FIR is  
that the informant and his brother-in-law used to sell nuts  
near ITI college, Digha and in the morning of 05.01.2022 at  
about 03:00 A.M. 3-4 unknown persons came there and  
demanded his mobile. On protest made by him, one of the  
accused fired at his chest and fled away, due to which he



sustained injury.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that FIR has been lodged against unknown persons. He also submits that no TIP has been conducted by the Police till date and the case is based only on alleged confessional statement of accused/petitioner. He further submits that investigation in this case is complete and charge-sheet has already been submitted but charge has not been framed till date.

He further submits that the petitioner has been languishing in jail since 09.01.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in five other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. S.D.J.M., Patna in connection with Digha P.S. Case No. 07 of 2022, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

ashishkr/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

