

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40471 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- DARIYAPUR District- Saran

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DHANU KUMAR SON OF KANHAIYA MAHTO RESIDENT OF
VILLAGE- RAUJA WARD NO. 43, PS- CHAPRA TOWN, DISTT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-07-2023 Heard the parties.

The petitioner is in custody in connection with Dariyapur P.S. Case No. 14 of 2023 for the offence under Section 394 of the Indian Penal Code and Section 27 of the Arms Act lodged on 13.01.2023 by the informant, Surendra Ram.

As per the prosecution story, the informant was going from Dighwara with Rs. 2,14,000/- when he was intercepted by accused persons who snatched the bag and upon protest, also fired. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that he has been remanded in this case on the basis of confession of Abhishek Kumar @ Golu but till date, neither he has been put on T.I. parade nor anything incriminating recovered from his



possession.

The last submission is that he is in custody since 14.02.2023 (as stated in paragraph 13 of the petition).

Learned APP opposes the prayer stating that he has criminal antecedent.

Taking into account the fact that he is in custody since 14.02.2023, neither T.I. parade has been conducted nor anything recovered from his possession, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional chief Judicial Magistrate-13th, Chapra, District-Saran, in connection with Dariyapur P.S. Case No. 14 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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