

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52358 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- KAHALGAON District- Bhagalpur

Dheeraj Kumar Son Of Ramkishor Singh @ Julumdhari Singh Resident Of
Mohalla - Govindpur, P.S. - Khushrupur, District – Patna Petitioner/s
Versus

1. The State Of Bihar
2. The Branch Manager, Canara Bank Branch Kahalgaon, Dist. Bhagalpur
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar,Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
12.02.2023 in connection with Kahalgaon P.S. Case No. 155 of
2023, F.I.R. dated 10.02.2023 registered for the offence
punishable under Sections 397,398,307,427 of the Indian Penal
Code as well as Sections 25(1-B)a,26,27,35 of Arms Act.

3. The FIR of the occurrence of robbery is against
unknown.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case merely on the basis of suspicion on the basis of
C.C.T.V. footage of the Bank. Petitioner is not named in the
FIR. Name of the petitioner has been transpired during



investigation and thereafter one country made loaded pistol, three live cartridges and motorcycle which was used in the crime in question were recovered from possession of the petitioner. Learned counsel for the petitioner submits that there is non-compliance of Section 100 of Cr.P.C. and due to previous criminal antecedent of the petitioner, he has been falsely implicated in the present case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.02.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he was involved in the present crime in question and arms and motorcycle which was used in the crime in question were recovered from possession of the petitioner and apart from the aforesaid, the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the three cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bhagalpur in connection with Kahalgaon P.S. Case No. 155 of 2023, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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