

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 60325 of 2023

Arising Out of PS. Case No.-544 Year-2022 Thana- CHHATAUNI District- East Champaran

DINANATH PRASAD SON OF ACHHELAL SAH RESIDENT OF
VILLAGE ASHOGI, PO AND PS BAIRGANIYA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2023

Heard the parties.

2. The petitioner is in custody in connection with Chhatauni P.S. Case No. 544 of 2022 for the offence under sections 457/380 of the Indian Penal Code lodged on 22.10.2022 by the informant, Rohit Kumar.

3. As per the prosecution story, the allegation is that when the informant went to open the shutter of his shop, found the mobile phones worth Rs. 16,00,000/- were stolen from it. Accordingly the FIR.

4. Subsequently, during investigation, the name of the petitioner came in the confessional statement of Sabir Dewan and he came into judicial custody on 04.01.2023 (as stated in paragraph 11 of the petition).

5. Learned counsel for the petitioner submits that



though he has been arrested, nothing has been recovered from his conscious possession and only because he has criminal antecedent, he has been implicated in this case.

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

7. Taking into account the fact that nothing has been recovered from his conscious possession, is in custody since 04.01.2023 , this Court is inclined to extend him the privilege of bail only after framing of charge in view of the fact that he has criminal antecedent.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, East Champaran, Motihari, in connection with Chhatauni P.S. Case No. 544 of 2022 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 fortnight for six months 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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