

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57850 of 2023**

Arising Out of PS. Case No.-32 Year-2023 Thana- EKANGARSARAI District- Nalanda

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DHARMBIR KUMAR @ DHARMENDRA KUMAR S/O CHANDRA  
SHEKHAR JAMADAR R/O VILLAGE- BESHWAK, P.S.- ISLAMPUR,  
DIST.- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      01-09-2023                      Heard the parties.

The petitioner is an accused in connection with Eknagar Sarai P.S. Case No. 32 of 2023 registered for the offences under section 392 of the Indian Penal Code lodged on 14.02.2023 by the informant, Rohini Kant.

As per the prosecution story, the allegation is that the accused persons intercepted the informant and relieved him of his mobile as also Rs. 10,000/-. Accordingly, the FIR.

It is the case of the petitioner that he is an innocent person, is a student of B.A. Part-III, bonafidely purchased the looted mobile from one Saudagar Bind for Rs. 5,000/- for which he has already suffered by being in custody since 21.05.2023 (as stated in paragraph 12 of the bail application). His last



submission is that he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the fact that the petitioner was not part of the accused who looted the mobile/cash from the informant, as per the story, he has purchased the same from Saudagar Bind, he is a student, 21 years of age and is in custody since 21.05.2023, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa (Nalanda) in connection with Eknagar Sarai P.S. Case No. 32 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 *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 next six months to mark 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

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