

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57706 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- DHANGAI District- Bhojpur

NEEPU KUMAR CHAUDHARY ALIAS NIPU KUMAR S/O- GOPI NATH
CHAUDHARY R/O- MOHALLA- GURHATTA, KOTWALI, P.O-
JAGDISHPUR, P.S.- JAGDISHPUR, DIST.- BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijendra Kumar, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard the parties.

The petitioner is in custody in connection with Dhangai P.S. Case No. 56 of 2023 for the offence under section 395 of the Indian Penal Code lodged on 03.06.2023 by the informant, Akhilesh Kumar.

As per the prosecution story, the allegation is that when the informant alongwith his maternal uncle and brother-in-law were going in an auto, the motorcycle borne accused persons came and on the point of pistol, snatched cash amount as also mobile phones. The informant was able to read the registration no. of the motorcycle which led to their identification, arrest and the FIR so lodged.

Learned counsel for the petitioner submits that his name has come in the confessional statement of Sameer Kumar,



further though the Police says that the mobile phone was recovered from him, there is contradiction in the case diary whether the sim that was part of the robbed mobile, was used by the petitioner or not.

It is his categorical statement that the sim that has been used belongs to him.

The last submission is that he is in custody since 09.06.2023 (as stated in paragraph 13 of the petition).

Learned APP opposes the prayer for bail.

Taking into account the submissions put forward by the learned counsel for the petitioner and further, despite the categorical statement of the informant in the FIR that he can identify the accused, no TI parade conducted, as stated by the learned counsel for the petitioner and is in custody since 09.06.2023, 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) each with two sureties of like amount each to the satisfaction of learned VIIIth Add. Session Judge, Bhojpur, Ara, in connection with Dhangai P.S. Case No. 56 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 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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