

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65129 of 2023

Arising Out of PS. Case No.-480 Year-2023 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Dipanshu Raj Son Of Shyam Kumar Resident Of Village - Chakbarkurva, P.S.
- Kanti, District - Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukund Mohan Jha, Adv.
For the Opposite Party/s : Mr. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Town P.S. Case No. 480 of 2023 dated 14.06.2023 lodged under
Sections 414/34 of the I.P.C. read with Section 25(1-b)a/26/35
of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against three named accused persons including the
present petitioner. All the three persons are alleged to be
apprehended by the police from their Motorcycle and one pistol
has been recovered from the possession of the petitioner. It has
also come in the F.I.R. that accused persons have confessed that
they have been involved in the robbery.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that petitioner was traceless from 13.05.2023 itself and in this regard his father has lodged fardbyan before the Superintendent of Police, Muzaffarpur itself.

5. He further submits that upon lodging the F.I.R., on the very next day, his name has been figured in this case and he was sent to custody. Counsel further submits that other co-accused persons were granted bail by Co-ordinate Bench of this Court vide order dated 24.08.2023 passed in C.Misc. No. 54142 of 2023 and vide order dated 01.09.2023 passed in C.Misc. No. 58300 of 2023.

6. Counsel submits that the antecedent of the petitioner is not clean and there are total three criminal case pending against him and he is in custody since 15.06.2023 and six months has already been lapsed

7. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Town P.S. Case No. 480 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

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

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

(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.

9. Speedy trial is constitutional vision of justice and with a view to fulfill that reason of the constitution it is directed



to District and Sessions Judge, Muzaffarpur to do the needful so
that all the cases which is of same police station is triable by
Magistrate shall run before the Magistrate and if triable by
Sessions Judge shall run before one Sessions Court.

(Dr. Anshuman, J.)

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