

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62203 of 2022

Arising Out of PS. Case No.-289 Year-2021 Thana- KHARIK District- Bhagalpur

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Raj Kumar Son of Jay Prakash Yadav Resident of Village - Piparpanti, P.S.-
Pasraha, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 25-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kharik P.S. Case No. 289 of 2021 lodged under Section 395 of
the I.P.C.

As per the prosecution case, there are 6 named and 7-
8 unknown persons were made accused in this case with
allegation that they have committed dacoity and taken the laptop
and official documents alongwith Rs.3,000/-, mobile, ATM
Card.

Learned counsel for the petitioner submits that
petitioner is the technician and the informant is the official in a

mobile company which transpires from the F.I.R. itself. Counsel submits that the alleged place of occurrence is at Naugachia, Bhagalpur. Counsel submits that Vikky Yadav was the driver of the vehicle. It is a dacoity in which Bolero vehicle was not to be taken. Only laptop and documents was alleged to be snatched. Counsel submits that from the contents of the F.I.R. itself, it transpires that the petitioner was not present at the place of occurrence. The name of petitioner has taken by the informant, due to the reason that the alleged dacoits have threatened the informant that he may not remove the petitioner from the service. Counsel submits that if actually this event took place, then it must not come under the definition of dacoity. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 06.08.2022. Counsel lastly submits that the date of occurrence is 05.12.2021, whereas F.I.R. has been lodged on 07.12.2021.

Learned counsel for the State opposes the prayer for bail.

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 A.C.J.M. Ist, Naugachia, Bhagalpur in connection with Kharik P.S. Case No. 289 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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