

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66288 of 2022

Arising Out of PS. Case No.-301 Year-2021 Thana- CHENARI District- Rohtas

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DHARMRAJ PASWAN SON OF SUDAMA PASWAN @ SUDAMA RAM
R/O VILL.- BARAWN, P.S.- KOKHA, DISTT.- ROHTAS AT SASARAM

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 12-04-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Chenari P.S. Case No.301 of 2021 dated 15.12.2021 registered for the offences punishable under Sections 461 and 379 of the Indian Penal Code.

As per the prosecution, the informant alleged that some unknown miscreants committed theft at the informant's jewellery shop and looted some gold and silver jewelleries and some utensils worth lakhs.



The main submissions advanced by the learned counsel for the petitioner are that the FIR was registered against unknown persons, during investigation the CCTV footage of the cameras installed nearby the place of occurrence were examined and seven persons including one woman were seen in suspected position near the place of occurrence at the relevant time of the commission of the alleged occurrence and thereafter with the help of local people the police attempted to get the said persons identified but the alleged woman could not be identified whereas the rest six persons were identified and the name of this petitioner did not find place in that identification process and the petitioner was remanded in this case from Rajpur P.S. Case No.25 of 2022 and after the petitioner's arrest in the present matter he was remanded in two other cases and he has got bail in one case vide order passed in Cr. Misc. No.65876 of 2022. Further submission is that after the petitioner's remand in the present matter, the police failed to recover any looted article or money from the possession of the petitioner and till date he has not been put on Test Identification Parade accordingly there is no any legal material against him to connect him to the alleged occurrence of *dacoiti*.

Learned APP appearing for the State has opposed the



bail prayer and submitted that the petitioner made confessional statement before the police and he was a member of the *dacoits*, who committed the alleged occurrence of *dacoiti*.

Considering the above submissions and mainly the facts that as per paragraph No.78 of the case diary, the petitioner was not identified as being found in suspected position nearby the place of occurrence during the relevant time of the commission of the alleged occurrence while the other persons, who were seen suspected, were identified except one woman and after the petitioner's remand in the present matter the police did not recover any looted article in the light of the statement made by him before the police, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Chenari P.S. Case No.301 of 2021.

(Shailendra Singh, J)

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