

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74808 of 2022

Arising Out of PS. Case No.-69 Year-2021 Thana- GWALPARA District- Madhepura

DHEERAJ KUMAR Son of Sri Ramsharan Yadav R/v- Rajpur Sarsandi, P.S.-
Gwalpara, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shantanu Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 27-02-2023 Let the defects, 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 Gwalpara P.S. Case No. 69 of 2021 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution, the informant alleged that the petitioner along with one co-accused person and one unknown person forcefully entered into his house and took away ornaments from his daughter-in-law and cash on the point of fire-arms and threatened to face dire consequences if he would



not provide them rupees five lac.

The main submissions advanced by petitioner's counsel are that the petitioner has been languishing in jail since 19.04.2022, after his arrest in the present matter no any incriminating material was recovered from his possession and he was not put on *Test Identification Parade* and as per the prosecution, the petitioner's mobile *sim* was being used by co-accused namely Abhishek Singh but the said mobile phone does not belong to the petitioner and the location of the said mobile phone was found in the village Kolhaipatti under Muraliganj P.S. and the same was found in the house of one namely, Deepak Kumar with whom the petitioner has no relation. Further submission is that the petitioner voluntarily surrendered before the Court below and against him there is no any legal evidence.

Learned APP appearing for the State has opposed the bail prayer and submitted that against the petitioner there are criminal antecedents of two cases.

Considering the aforesaid facts and mainly the petitioner's custody period and also the nature of allegation concerned to the petitioner as discussed by the learned Court below in the order impugned, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-



above be enlarged 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 Court concerned in connection with
Gwalpara P.S. Case No. 69 of 2021.

(Shailendra Singh, J)

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