

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70601 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- PURAINI District- Madhepura

Dilkhush Kumar, Son of Shiv Narayan Singh @ Shiv Singh, Resident of
Village - Puraini Ward No.- 8, P.S.- Puraini, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Puraini P.S. Case No. 06 of 2022, registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, 3-4 miscreants looted a mobile phone, Rs.5,000/-cash and the motorcycle of the informant. The name of the petitioner transpired as an accused during investigation.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. The petitioner is not named in the FIR. He has been made accused on the basis of confessional



statement of co-accused Kailash Kumar. No looted articles have been recovered from the conscious possession of the petitioner. Till date, no Test Identification Parade has been carried out. This shows there is no material to implicate the petitioner in the present case. Recovery of motorcycle has been made from other co-accused Badal Kumar and the petitioner has no concern either with the co-accused Kailash Kumar or the co-accused Badal Kumar. Charge sheet has been submitted in this case and the petitioner is in custody since 28.02.2022.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner has got criminal antecedent and is accused in three other cases of similar nature.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Udakishunganj, Madhepura, in connection with Puraini P.S. Case No. 06 of 2022, subject to the conditions mentioned in Section 437 (3) of



the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

