

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73501 of 2022**

Arising Out of PS. Case No.-518 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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DHEERAJ KUMAR JHA S/O SHYAMA NANDAN JHA Resident of
village- Simra, P.S.- Sadar, (Mabbi O.P.), District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Dr. Indiwari Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 20-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sadar
(Mabbi O.P.) P.S. Case No. 518 of 2022 dated 24.08.2022
registered for the offence under Sections 341, 342, 323, 363, 364,
387 and 34 of the Indian Penal Code.

The petitioner along with his associates are alleged to
have been apprehended by the police with the help of villagers
while they were committing loot with the informant.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation as alleged in the F.I.R. is false and fabricated as no
such occurrence has ever taken place. He further submits that it



appears from the F.I.R. that there is general and omnibus allegation against the petitioner and no specific allegation of overt act is attributed to him. He further submits that in fact, nothing incriminating, as alleged in the F.I.R., has been recovered from the possession of the petitioner. Moreover, the co-accused, namely, Amar Kumar, has already been granted bail by a co-ordinate Bench of this Court vide order dated 06.04.2023 passed in Cr. Misc. No. 73566 of 2022 and another co-accused, namely, Prem Kumar @ Karan Kumar, has already been granted bail by a co-ordinate Bench of this Court vide order dated 19.04.2022 passed in Cr. Misc. No. 66348 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 25.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, 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 learned Chief Judicial Magistrate, Darbhanga in connection with Sadar (Mabbi O.P.) P.S. Case No. 518 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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