

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79515 of 2023

Arising Out of PS. Case No.-345 Year-2022 Thana- PUNPUN District- Patna

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DINESH KUMAR S/O BIRJA YADAV R/O VILLAGE- MALATHI, P.S-
MAKHDUMPUR (TEHATA O.P), DISTT.- JEHANABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2023 Learned counsel for the petitioner is permitted to

make necessary correction in para 5 of the bail petition filed on

behalf of the petitioner during the course of the day.

2. Heard learned counsel for the petitioner and

learned A.P.P. for the State.

3. The petitioner seeks bail in connection with

Punpun P.S. Case No. 345 of 2022 registered for the offences

punishable under Section 379 of the IPC.

4. As per prosecution case, informant's bolero is

said to have stolen and the case has been filed against unknown.

5. Learned counsel for the petitioner submits that

petitioner is not named in the FIR. Petitioner was made accused

in Bihar P.S. Case No. 863 of 2022 and on the basis of

confessional statement of co-accused in the said case, the



petitioner has been remanded in the present case as orally submitted by learned counsel. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Basically, nothing has been recovered from the conscious possession of the petitioner. He further submits that petitioner is rotting in jail custody since 24.07.2023 in the present case. Petitioner was not put on T.I.P. Petitioner bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

6. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned A.C.J.M, Masaurhi in connection with Punpun P.S.
Case No. 345 of 2022 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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