

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.779 of 2023

Arising Out of PS. Case No.-469 Year-2022 Thana- PATRAKARNAGAR District- Patna

Dikku Kumar S/o Chhedi Saw @ Nathuni Sah R/o Village- Kadaura, P.S.-
Turki O.P., District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2023 Heard Mr. Jitendra Narain Sinha, learned counsel

appearing on behalf of the petitioner and Mr. Nirmal Kumar

Sinha, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody
in connection with Patrakar Nagar P.S. Case No. 469 of 2022
registered for the offence punishable under Section 395 of the
Indian Penal Code.

The prosecution case is based on the *fardbeyan* of
the informant alleging therein that while the informant was in
his house, in the meantime, five miscreants armed with pistol
came there and looted away cash of Rs. 50,000/-, one golden
chain, 2 Kg. silver and other valuable articles. The informant
claimed to be identified the accused persons upon seeing them
and had given their physique details who were involved in the



crime.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the same has been instituted against unknown miscreants. However, during the course of investigation, the name of the petitioner sprung up in the confessional statement of co-accused Sonu Kumar and on the basis of the aforesaid confessional statement, the police conducted a raid in the jewellery shop of the petitioner and from his shop, various silver ornaments and articles were recovered.

Learned counsel for the petitioner drawn attention of this Court towards the seizure list and made a comparison of the same to the FIR with a candid submission that from bare comparison thereof, it is evident that no looted articles have been recovered from the shop of the petitioner. He next submits that all the silver ornaments and articles are the shop property of the petitioner and moreover the same has not been put on T.I. parade for proper identification. He further submits that the petitioner is a jewellery shop owner having fair antecedent, has never been indulged in such crime and now he is in custody since 16.08.2022.

On the other hand, learned counsel for the State



opposed the bail application and submits that in the FIR, only 2 Kg. silver has been mentioned, hence, the same can only be verified after going through the case diary.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a jewellery shop owner and the articles which is said to have been recovered from his shop, has not been put on T.I. parade coupled with the fair antecedent and period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna in connection with Patrakar Nagar P.S. Case No. 469 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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