

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17795 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- SINGHESHWAR District- Madhepura

Dharmendra Kumar @ Luchcha Son Of Sikandra Rai Resident Of Village -
Sukhasan, P.S. - Singheshwar, District - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Budhilal Yadav, Adv.
For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Singheshwar P.S. Case No. 280 of 2023, lodged on 28.09.2023
under Section 392 of the Indian Penal Code and later on added
section 411 of the I.P.C.

3. As per the prosecution case, FIR has been lodged
against three named accused persons and one unknown accused
person other than the present petitioner, against whom there is
an allegation that they have assaulted the informant and
snatched his mobile phone and Rs. 7,000 in cash.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



also submits that the petitioner is not named in the FIR. Counsel submits that the petitioner's name has been figured in this case only by virtue of confessional statement of the co-accused. Counsel further submits that nothing incriminating has been recovered from the petitioner's possession nor he was put on TIP.

5. Learned counsel for the petitioner submits that the criminal antecedent of the petitioner is not clean and there are two criminal cases pending against him in which he is on bail. The petitioner is in custody since 30.09.2023 in the present case. Counsel further submits that charge-sheet has been submitted in this case under sections 392/411 of the Indian Penal Code. Counsel also submits that the offences in which the case has been filed is of magisterial triable.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class,



Madhepura in connection with Singheshwar P.S. Case No. 280 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose



details are as follows:-

- (I)- Singheshwar P.S. Case No. 204 of 2021.
- (II)- Gamaharia P.S. Case No. 169 of 2023.

(Dr. Anshuman, J.)

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