

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36793 of 2024

Arising Out of PS. Case No.-14 Year-2023 Thana- DARIYAPUR District- Saran

Harshbardhan @ Harshbardhan Kumar @ Rahul Son of Gopalgee Resident of
village - Sutihar, P.S.- Derni, District - Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 23-08-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Dariyapur P.S. Case No. 14/2023 for the offence punishable under Section 394 of the Indian Penal Code and 27 of the Arms Act lodged on 13.01.2023 by the informant, Surendra Rai.

3. As per the prosecution story, the informant was going from Dighwara with Rs. 2,14,000/- when he was intercepted by accused persons who snatched the bag and upon protest, also fired. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though he is in custody since 18.02.2024 (para-8 of the petition), no TIP has been conducted nor anything has been recovered from his conscious possession. The last submission is



that similar situate Dhanu Kumar has been extended the privilege of bail vide Cr. Misc. No. 40471 of 2023 (Annexure-2).

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Though, the petitioner has criminal antecedent, considering the fact that despite he being in custody, no TIP conducted nor there anything recovered from his conscious possession and as incorporated above similar situate has been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Saran at Chapra, in connection with Dariyapur P.S. Case No. 14/2023 subject to 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 bond by the Trial Court itself;

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

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

(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 his bail bonds.

(Rajiv Roy, J)

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