

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46839 of 2024

Arising Out of PS. Case No.-319 Year-2024 Thana- SONEPUR District- Saran

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Dhiraj Kumar Son Of Sri Dev Kumar Rai Resident/Village- Baburbani,
Sahpur, Diyara, P.S.- Sonpur, Distt.- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mrs. Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard learned Advocate for the petitioner and the

learned A.P.P. for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Sonpur P.S. Case No. 319 of 2024, G.R. No.
3234/2024 registered for the offence punishable under Section
394 of the Indian Penal Code.

3. Allegedly, while the informant was going to
boarded in a tempo. In the meanwhile, two miscreants came
there and snatched his mobile phone after assaulting him. It is
also alleged that the informant has sustained serious injury on
his head due to assault.

4. Learned Advocate for the petitioner contended that
the F.I.R. has been instituted against two unknown miscreants.
However, the name of the petitioner has transpired during
course of investigation when the mobile in question has been
shown to be recovered from his possession. It is the contention



of the learned Advocate for the petitioner that the alleged mobile in question was purchased by the petitioner from one of the villager. Barring the fact that the alleged mobile is said have been recovered from the possession of the petitioner there is no other material suggesting that he any how participated in the crime. The petitioner has never been put on Test Identification Parade. The petitioner is a man of fair antecedent and he is incarcerated since 26.04.2024; the chargesheet has already been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the the alleged mobile has been recovered from the possession of the petitioner and his complicity cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 26.04.2024 and he has not been put on Test Identification Parade in order to verify that as to whether he was the person, who participated in the crime; coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection



with Sonpur P.S. Case No. 319 of 2024, G.R. No. 3234/2024, 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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