

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85598 of 2023

Arising Out of PS. Case No.-320 Year-2021 Thana- BIRPUR District- Supaul

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Dhiraj Kumar @ Dheeraj Kumar, S/O Dinesh Thakur @ Dinesh Kumar, R/O
Village- Singhwara Gopal Ward No. 7, P.S- Bahadurpur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Birpur P.S. Case No. 320 of 2021 registered for the alleged offences under Sections 341, 323, 379, 384, 504/34 of the Indian Penal Code.

3. As per prosecution case, an enquiry was conducted by the Superintendent of Central Jail, Purnea in Birpur Sub-divisional jail on the allegations that some of the prisoners used to assault and snatch valuable articles from new incoming prisoners. The petitioner is stated to be one such culprit.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that there is no specific



allegation against the petitioner and there is no material to show that the petitioner indulged in the alleged act. The prosecution story is not believable. The petitioner is not a member of any gang in jail and there is no such allegation. Nothing incriminating has been recovered from the possession of this petitioner. The petitioner was in custody for more than six months, but prior to the enquiry, no complaint was received against the petitioner. The learned counsel further submits that the petitioner has been made accused in Nirmali P.S. Case No.37 of 2021 registered under Sections 464A/34 IPC and he has been acquitted in that case.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vagueness of allegation and further considering the possibility of false implication, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Birpur, Supaul, in



connection with Birpur P.S. Case No. 320 of 2021, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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