

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82791 of 2023

Arising Out of PS. Case No.-213 Year-2022 Thana- CHAKIA District- East Champaran

DIPU SINGH @ DIPU KUMAR SINGH Son of Rajesh Singh R/o vill -
Bairia, ward no. 2, P.s. - Keshariya, Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Jee Mishra, Advocate

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 02-02-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Chakiya P.S. Case No. 213 of 2022 for the offence punishable under Sections 395 and 397 of the Indian Penal Code lodged on 25.5.2022 by the informant, Pawan Sharaf.

3. Earlier report was called for and the same has come vide letter no. 19 dated 27.01.2024, according to which, the case has been committed on 3.8.2023 received in the concerned Court on 17.8.2023 and is fixed for hearing on the point of charge.

3. As per the prosecution story, one Pawan Sarraf has given Fardbeyan at Rahmaniya Hospital, Motihari to the Chukia Police Station stating that he is the proprietor of Devi Lal Prasad Cheeraj Kumar Jewellery shop. On 25.5.2022 at about 5:30 PM, six persons armed variously entered into the shop, opened fire and looted 7 kg gold and 50 kg silver and kept in two plastic



bags. They also looted Rs. 60,000/- cash from the counter. It is further alleged that accused persons also shot the informant and his brother and fled away. The injured were treated at Rahmaniya Hospital, Motihari. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has already suffered by being in custody only because he gave his car to his known persons which was taken away for marriage function little realizing that it will be used for dacoity purposes. He has already remained in custody since 18.10.2022 (para-12 of the petition). Further he is ready to appear in the trial on each and every date.

5. Learned APP opposes the prayer stating that it was the car of the petitioner that was used for the dacoity.

6. Considering the aforesaid facts as also that the trial is at the stage of the commitment, he has remained in custody since 18.10.2022 and will be appearing diligently in the trial, 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 Chief Judicial Magistrate, East Champaran, in connection with Chakiya P.S.



Case No. 213 of 2022 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 till conclusion of the trial 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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