

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84712 of 2023

Arising Out of PS. Case No.-511 Year-2023 Thana- DHAKA District- East Champaran

Dharendera Mistiry @ Dharendra Mistiry S/O Narjit Mistry R/O Village-
Kharbani, P.S- Belshpur, Distt.- Dorlahi Nepal At Present Address Village-
Narha, P.S- Saihara, Distt.- Sitamarhi.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uma Shanker Verma, Sr. Adv.
	:	Ms. Kumari Anjali, Adv.
	:	Ms. Guriya Kumari, Adv.
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Dhaka P.S. Case No. 511 of 2023 lodged under Section 363(a),
419, 379, 511 and 34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against four named accused persons against whom there
is allegation that the accused persons with the help of same
child used to commit theft at different places.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that petitioner is in custody since 07.09.2023 having clean



antecedent. He submits that it is highly unacceptable that they used to involve their sons in doing offence of theft.

5. Counsel also submits that the other co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 02.01.2024 passed in Cr. Misc. No. 82851/2023.

6. Learned counsel for the State opposes the prayer for bail.

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**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikarahna Dhaka, East Champaran, in connection with Dhaka P.S. Case No. 511 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other 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.

(Dr. Anshuman, J.)

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